REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

IN THE

PUNJAB AND ITS DEPENDENCIES,

DURING THE YEAR

1876.

Published by Authority.

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Proceedings of the Honorable the Lieutenant-Governor, Punjab, in the Home Department,—No. 3461, dated 3rd September 1877.

No. 1407.

FROM

G. W. RIVAZ, ESQUIRE,

Officiating Registrar Chief Court, Punjab.

To

LEPEL GRIFFIN, ESQUIRE,

Secretary to Government, Punjab.

Dated LAHORE, *the 4th June* 1877.

SIR,

I am desired by the Judges of the Chief Court to submit the prescribed annual Statements and Report on the administration of Civil Justice in the Punjab during the year 1876.

2. The Divisional reports were received in this office on the dates noted below :—

Hissar, February 19th.	Jullundur, March 27th.
Defajat, March 7th.	Amritsar, April 3rd.
Delhi, March 10th.	Umballa, April 4th.
Lahore, March 14th.	Rawalpindi, April 9th.
Peshawar, March 14th.	Mooltan, April 9th.

3. The arrangement of the report is similar to that followed in the two previous years. The usual subjects are briefly noticed in the following order :—

PART I.—ORIGINAL COURTS.

A.—Institution of suits.
B.—Disposal of original suits.
C.—Miscellaneous suits.
D.—Classification of suits.
E.—Value and cost of suits.
F.—Agency for disposing of suits.
G.—Execution of decrees.
H.—Witnesses.

PART II.—SMALL CAUSE COURTS.

PART III.—APPELLATE COURTS.

A.—District Courts.
B.—Commissioners' Courts.
C.—Chief Court.

PART IV.—PROCEDURE.

PART I.—ORIGINAL COURTS.

A.—Institution of suits.

Number of institutions of original suits.

4. The total number of original suits instituted in the Civil Courts of the Punjab during the year 1876 was 239,796, as compared with 230,607 in the preceding year.

The annexed table shows the fluctuations in the different classes of Civil Courts during the past 6 years :—

Class of Court.	1871	1872	1873	1874	1875	1876
Chief Court	9	16	9	17	15	16
District Courts	177,542	177,250	184,688	189,250	198,725	217,244
District Small Cause Courts	35,376	34,276	30,964	34,951	30,058	14,925
Cantonment Small Cause Courts... ...	6,007	6,430	6,203	6,431	6,809	7,611
TOTAL ...	218,934	217,972	221,864	230,649	230,607	239,796

Increase only in District Courts and Cantonment Small Cause Courts.

5. From the above it will be seen that, while there has been during the year under report an increase of 3·9 per cent in the total number of suits instituted, the increase has been entirely in the litigation of the ordinary district courts and of Cantonment Small Cause Courts. Institutions in District Small Cause Courts have declined 50 per cent, as compared with the year 1875, and 57 per cent as compared with the year 1874. The decrease, however, merely represents a transfer of business from Small Cause Courts to the ordinary district courts. One of the changes provided in the Judicial Agency Scheme of 1875 was the restriction of the jurisdiction of District Small Cause Courts to municipal limits. The jurisdiction of the 5 minor courts was curtailed immediately on the introduction of the Scheme in September 1875, and the contraction of the jurisdiction of the Delhi, Amritsar and Lahore Courts followed early in the year under report. The subject will be noticed more fully in the chapter on the working of Small Cause Courts.

Increase extends to most districts.

6. The increase in civil litigation noted in the preceding paragraph extends to most districts of the Province. The causes, however, which have influenced the fluctuations in the different districts are for the most part of too special a character to admit of any common cause, or set of causes, being assigned for the general result.

Districts in which increase is most marked.

7. The increase in institutions is most marked in the following districts :—

District.	*Percentage of variation as compared with* 1875	1874.
Rohtak	59·8	35·9
Gurgaon	27·7	—·5
Hissár	25·8	40·7
Montgomery	25·1	11·1
Kohát	24·5	21·9
Ferozepore	23 6	2·3
Kángra	19·1	10·9
Jhang	15·3	22·1
Sialkót	15·8	—2·1
Peshâwar	13·0	37·3
Ludhiána	10 9	15·3

The increase in litigation in the Hissár and Rohtak districts is attributed to increased agricultural prosperity. Civil litigation in the Hissar Division, writes the Commissioner, is much governed by the harvests. Except in the canal villages, if there is no rain, the agriculturists simply cannot pay, and they are not put into court. A good year comes and suits are brought. Mr. Macnabb exemplifies this theory by the statistics of the past two years.

The increase in the Montgomery and Jhang districts is also ascribed to an unusually good spring harvest and consequent increased solvency on the part of the agricultural population.

In the Gurgaon, Ferozepore and Sialkot districts the increase in the number of institutions would appear to be no more than a return to the normal state of things brought about by a fairly good season, and the absence of the exceptional circumstances which checked litigation in the previous year.

The increase in Kángra is ascribed by the Deputy Commissioner to the advance in material prosperity, and especially in the value of land, brought about by the steady extension of the tea industry in the valley.

No cause has been assigned for the increase in Kohát, which is somewhat remarkable, as the district has recently been put under settlement.

In the Ludhiána and Pesháwar districts the introduction of the new Judicial Agency Scheme and the increased facilities which the establishment of Munsiffs' courts has given to the speedy and punctual determination of suits near the residence of the parties concerned, is said to have increased litigation. In the latter district, however, it would appear that the increase has been most marked in the business of the City Small Cause Court, which can hardly have been affected by the establishment of Munsiffs' courts.

Decrease in certain districts.

8. The only districts in which there has been any considerable decrease in civil litigation are the districts of the Deraját Division and Shahpúr, where suits have decreased as follows :—

District.	*Percentage of decrease as compared with* 1875.	1874.
Dera Ismail Khán	17·8 ...	... 7·4.
Bannu	15·8 ...	... 26·4.
Shahpúr	16 3...	... 7·4.

The decrease in each case is stated by the local authorities to be due, partly to a sickly summer and autumn, and partly to agricultural prosperity. The former seems the more probable cause. Statistics of past years do not bear out the theory that a year of agricultural prosperity is accompanied in the Deraját and in the Shahpúr district by a diminution of civil litigation.

B.—Disposal of suits.

9. Imperial Return No. 8, printed as an appendix to this Report, shows the general result of original suits in the various courts of the Punjab.

Suits for disposal.

10. Including 11,911 cases pending from 1875, 8,008 re-admitted cases, and 76 cases received by transfer, the total number for disposal during the year amounted to 259,791, being 5 per cent in excess of the previous year.

Suits disposed of.

11. Of the total number on the file, 247,251, or 95·1 per cent, were disposed of during the year, and 12,540, or 4·9 per cent, were pending at its close. The per-centages of 1875 were as nearly as possible the same.

Of the total number of suits disposed of—

29 per cent were disposed of without decree;

36 per cent were disposed of with decree, but without contest;

26 per cent were disposed of, after contest, by a decree, wholly or partially, in favor of the plaintiff;

9 per cent were disposed of, after contest, by a decree in favor of defendant.

It will be thus seen that 35 per cent only of the litigation disposed of during the year was contested. Of contested cases 73 per cent were decided, wholly or partially, in favor of plaintiff. In 1875 the proportion borne by contested cases to the disposals of the year was 36 per cent, and in 71 per cent of such cases a decree was given in favor of the plaintiff.

Further details of disposal.

12. The following comparative table gives further particulars of disposal for each district for the years 1875 and 1876 :—

1	2	3	4	5	6	7	8	9	10	11	12	13
		Per-centage of cases.									Average duration.	
District.	Year.	Dismissed on default.	Withdrawn with leave under Sec. 97 C. P. C.	Decided ex parte.	Decided by confession.	By compromise including adjustments under Sec. 98 C. P. C.	By arbitration.	Contested and decided in favor of plaintiff.	Contested and decided in favor of defendant.	Per-centage of contested cases decided in favor of plaintiff to the number contested.	In contested cases.	In uncontested cases.
Delhi	1875	12	0·6	11	23	22	1·9	20	10	66	17	11
	1876	12	0·3	12	23	27	1·1	18	8	68	18	12
Gurgaon	1875	16	0·1	5	24	33	1·3	14	7	64	30	15
	1876	11	0·3	6	27	33	1·6	17	7	69	33	17
Karnál	1875	19	0·6	6	18	29	2·6	17	9	64	21	17
	1876	18	0·7	6	18	33	3·4	16	8	66	29	16
Hissár	1875	9	1·6	7	34	22	1·6	18	7	72	17	11
	1876	10	1·2	7	27	31	1·7	19	6	76	20	12
Rohtak	1875	7	0·9	7	18	28	1·8	27	10	72	29	15
	1876	7	0·6	6	20	32	2·0	24	9	73	31	14
Sirsa	1875	13	1·2	7	14	22	2·2	26	16	62	32	19
	1876	11	0·8	7	11	21	3·2	29	11	65	25	20
Umbálla	1875	16	2·3	9	11	23	2·4	24	10	70	24	14
	1876	16	1·5	9	15	23	2·1	24	10	69	22	15
Ludhiána	1875	15	2·0	5	17	25	0·8	25	13	64	27	17
	1876	14	1·4	4	21	25	0·9	24	12	67	23	14
Simla	1875	8	2·6	16	18	9	1·5	37	9	79	13	13
	1876	11	2·2	18	18	12	0·8	30	9	77	15	15
Jullundur	1875	18	0·7	7	10	24	1·7	30	11	73	24	17
	1876	15	0·9	9	13	25	1·5	27	9	74	29	19
Hoshiarpúr ...	1875	19	0·3	6	18	13	0·8	30	11	73	30	20
	1876	19	0·4	9	10	14	0·4	30	9	77	32	22
Kángra	1875	13	1·0	8	22	11	2·9	31	13	69	18	13
	1876	14	1·9	7	21	11	1·9	34	12	73	27	16

1	2	3	4	5	6	7	8	9	10	11	12	13
		Per-centage of cases.									Average duration.	
District.	Year.	Dismissed on default.	Withdrawn with leave under Sec. 97 C. P. C.	Decided *ex-parte*.	Decided by confession.	By compromise including adjustments under Sec. 98 C. P. C.	By arbitration.	Contested and decided in favor of plaintiff.	Contested and decided in favor of defendant.	Per-centage of contested cases decided in favor of plaintiff to the number contested.	In contested cases.	In uncontested cases.
Amritsar	1875	23	1·4	5	15	17	1·2	27	12	69	34	21
	1876	12	2·2	7	12	14	0·9	29	13	71	31	18
Gurdáspúr	1875	21	0·1	6	7	11	1·2	33	14	70	25	17
	1876	23	0·3	7	9	20	1·2	31	10	75	28	18
Sialkót	1875	20	0·1	12	18	18	1·1	22	6	78	19	13
	1876	21	0·4	11	21	19	1·7	21	6	77	18	11
Lahore	1875	15	0·5	12	13	25	0·7	24	5	69	8	14
	1876	15	0·7	10	17	21	1·3	27	9	74	19	16
Gujranwála ...	1875	18	1·0	7	26	17	2·7	22	8	74	32	20
	1876	18	0·5	7	28	13	2·0	24	9	73	30	18
Ferozepore ...	1875	16	2·4	5	22	18	1·0	24	11	69	27	25
	1876	19	2·1	6	25	16	1·5	22	10	68	21	14
Rawalpindi	1875	12	2·1	7	14	15	2·7	37	12	76	25	21
	1876	14	1·7	8	12	16	2·8	37	12	75	26	20
Jhelum	1875	10	2·0	6	18	20	3·4	27	13	67	27	13
	1876	11	1·2	6	19	25	3·5	25	12	67	22	16
Gujrát	1875	24	1·3	4	16	23	4·0	21	11	66	34	25
	1876	24	1·1	4	14	25	3·4	22	10	68	36	26
Sháhpúr	1875	13	1·9	7	27	20	0·9	20	12	61	32	12
	1876	16	3·3	7	19	31	1·9	15	9	62	41	25
Multan	1875	15	0·4	7	24	24	1·6	20	8	71	18	8
	1876	17	1·3	8	31	18	3·4	17	7	70	20	11
Jhang	1875	18	2·9	8	11	33	0·9	19	6	73	26	16
	1876	17	2·0	7	14	37	0·6	21	6	71	23	15
Montgomery ...	1875	19	0·6	6	7	36	1·4	19	10	64	27	13
	1876	15	0·8	7	10	42	1·6	18	7	72	26	16
Muzaffargarh ...	1875	25	0·2	6	19	28	0·8	14	5	74	34	25
	1876	25	0·4	9	22	21	0·5	18	5	77	36	27
Dera Ismail Khán ...	1875	12	1·8	5	22	22	1·9	25	7	78	17	13
	1876	16	3·4	8	15	27	1·9	23	7	76	18	13
Dera Ghazi Khán ...	1875	12	2·4	5	22	21	2·1	29	8	78	17	9
	1876	12	2·8	7	19	19	2·3	30	8	78	15	11
Bannu	1875	10	5·4	7	17	17	3·9	28	15	64	23	17
	1876	10	4·4	7	15	22	3·1	28	12	68	26	19
Peshawar	1875	6	1·8	9	20	17	0·9	28	13	68	16	8
	1876	12	1·9	11	16	13	0·8	34	11	75	17	11
Hazára	1875	21	2·4	5	11	16	3·8	31	12	72	27	26
	1876	18	2·3	5	13	15	2·5	34	14	70	14	12
Kohát	1875	8	0·5	5	21	21	0·3	32	11	73	16	15
	1876	12	1·8	10	19	19	...	29	10	74	21	11
Average ...	1875	17	1·2	7	17	21	1·7	26	10	71	23	17
	1876	17	1·3	8	19	21	1·7	25	10	73	25	17

It will be seen that of the total number of cases disposed of—

17 per cent were dismissed on default ;

8 per cent were decreed *ex-parte* ;

19 per cent were decreed on confession ;

21 per cent were compromised ;

1·3 per cent were withdrawn under Section 97 of the Civil Procedure Code ;

1·7 per cent were decided by arbitration.

The proportion of cases decided *ex-parte* is 1 per cent higher, and that of cases decided on confession 2 per cent higher than in 1875. Under the other heads the provincial per-centages remain unchanged.

Cases dismissed on default.

13. In 19·9 per cent of the cases dismissed on default applications were made for the restoration of the case to the file, and of these applications 79·7 per cent were granted. Thus, altogether 15·8 per cent of the cases dismissed on default were re-admitted to the file. Besides this, in 1·3 per cent of the cases dismissed under Section 110 of the Civil Procedure Code fresh suits were brought. These averages do not vary materially from those of the preceding year.

The proportion of cases dismissed on default is highest in the following districts :—

Muzaffargarh	...	...	...	25 per cent.
Gujrát ...	...	...	...	24 „
Gurdáspúr	...	...	...	23 „
Sialkót...	...	...	...	21 „

Cases decided *ex-parte*.

14. As regards cases decided *ex-parte*, in 9·3 per cent applications were made to set aside the decree, and 70·6 per cent of these applications were successful; or, in other words, in 6·5 per cent only of the entire number of cases disposed of *ex-parte* was it found necessary to set aside the *ex-parte* decree. These results are satisfactory as they show that in far the greater number of cases the default cannot be attributed to carelessness or harshness in the procedure of the Court.

Cases referred to arbitration.

15. It has been noted above, in para 12, that of the total number of cases disposed of 1·7 per cent only were settled by a reference to arbitration. The unpopularity of this mode of settlement, owing to the finality of the arbitrator's award, is noticed in more than one of the local reports.

Of the 4,009 cases which were settled by arbitration during 1876, awards were set aside in 12 cases only. The returns do not show how many cases were eventually disposed of by the Court itself in consequence of the arbitrators refusing to act, or being unable to come to a decision on the points before them.

Pending file.

16. To pass on to the remaining particulars connected with the disposal of original suits given in Imperial Return No. 8, out of 12,540 cases pending at the close of the year, 1·7 per cent

had been pending for more than 4 months. The heaviest pending file was in the Hoshiarpur district. The oldest pending cases were in the Umbálla and Ráwalpindi districts, and date from the 2nd and 18th February 1876 respectively. The cause of delay has not been sufficiently explained in either case. Further explanations have been called for.

Average duration of cases.

17. It will be noted that there has been again a rise of 2 days in the average duration of contested cases. The rise on the present occasion, however, seems to have been in a great measure unavoidable. The autumn and early winter of 1876 were exceptionally unhealthy, and the inability of litigants, or their witnesses, to attend on the appointed days in consequence of sickness is said to have materially increased the annual average in many districts.

The average duration of contested cases was highest in the following districts.:—

Sháhpúr	...	...	41 days.
Gujrát	...	...	36 „
Muzaffargarh	...	...	36 „
Gurgáon	...	...	33 „

In the two districts first named the long duration is said to be due to the unhealthiness of the season, which affected both judges and litigants, and to some extent to the districts having been under-officered during a portion of the year. As regards Muzaffargarh, Mr. Tremlett remarks that the average is higher than it should be, and that he is endeavouring to bring about a more satisfactory state of things.' In the Gurgaon district the average has risen from 30 days in 1875 to 33 days in the year under report. The rise seems to be chiefly due to high averages in the courts of Mr. Peacock, Assistant Commissioner, Mr. Rowe, Extra Assistant Commissioner, and Muhammad Najaf Khan, Extra Assistant Commissioner.

Average number of appearances.

18. The average number of days the parties in a suit, or either or any of them, had to attend Court was 3. The average is highest in the Muzaffargarh district, where 4 appearances were ordinarily required for the disposal of a case.

Plaints rejected or returned.

19. During the year 4,831 plaints were rejected or returned, as compared with 3,354 in 1875.

C.—Miscellaneous Cases.

20. The returns show an increase of 13 per cent in the miscellaneous business of Civil Courts. The total number of miscellaneous cases disposed of by Civil Courts during the year amounted to 186,297; as compared with 164,720 in the previous year. By far the greater number of these cases were cases connected with executions of decrees, a subject which will be dealt with separately in a later section of this report.

Of the remaining classes of cases, a few only call for any special remarks.

Cases under Act XXVII of 1860.

21. Applications under Act XXVII of 1860 for certificates for collection of debts on succession have increased from 544 to 609, the largest number of applications being, as usual, in the Lahore and Delhi districts.

Cases under Act XL of 1858 and Act IX of 1861.

22. Of 122 cases in which orders were passed, under Act XL of 1858 and Act IX of 1861, for the custody of the persons or property of minors, 34 were in the Lahore district and 21 in Peshâwar.

Applications for probate and letters of administration.

23. There were 21 applications for probate or letters of administration against 10 applications in the preceding year. Of these applications 2 were made to the Chief Court and 19 to District courts.

Cases under sections 7 and 8 of Regulation XVII of 1806.

24. There has been a steady increase in cases under sections 7 and 8 of Regulation XVII of 1806 during late years. In the year under report 171 petitions for foreclosure or redemption of mortgage were disposed of, as compared with 151 in the previous year. In the Sirsa district, where petitions under these sections have increased from 22 to 53, the Deputy Commissioner notes that cases of mortgage with conditional sale are multiplying at a rapid rate, and that he believes that the condition is now insisted on in most cases of mortgage of land. The Commissioner endorses this opinion, and remarks that he doubts whether the law, as at present constituted, affords sufficient protection to the agriculturist, who agrees to the stipulation without at all realizing its stringency.

Petitions for review of judgment.

25. During the year under report 2,710 petitions for review of judgment were disposed of, of which no less than 445 were filed in the Amritsar district. The petitions were disposed of as follows :—

		Number.	*Per-centage.*
Struck off for default	... ...	313	12 per cent.
Rejected on the merits	... ...	908	33 "
Granted	... ...	1489	55 "

In 57 per cent of the cases in which applications for review were granted the former orders were upheld, and in 43 per cent they were reversed or modified. The Deputy Commissioner of Hoshiârpur points out that in that district, out of 109 petitions disposed of, 45 per cent were struck off on default, and remarks that such a result argues a want of proper method and patience on the part of the courts before which the petitions came. The conclusion drawn by Mr. Coldstream seems just and is deserving of attention.

Cases of contempt of court dealt with summarily.

26. During the year, 176 cases of contempt of court were summarily dealt with under the provisions of Section 21 of Act XXIII of 1861, as compared with 126 cases in the previous year. The section was most freely used in the Umbâlla and Amritsar districts.

D.—Classification of Suits.

27. Imperial Return No. 6 of the Appendix shows the number of each class of original suits disposed of in the Punjab during the year 1876.

The annexed comparative statement exhibits in a more concise form the principal changes which have taken place in the character of civil litigation during the past four years.

	1873.	1874.	1875.	1876.
Suits for money due on registered bonds	9,639	11,068	10,940	12,042
Do. do. unregistered do.	68,297	69,684	71,298	75,791
Do. do. otherwise than on do.	91,801	95,907	91,785	98,461
Do. for breaches of contract	1,208	1,362	1,747	1,611
Do. for rent other than of land	2,135	2,469	2,669	2,845
Do. for damages	2,511	2,417	2,386	2,226
Do. for recovery of personal property or value thereof	13,096	14,359	12,895	11,454
Do. relating to marriage, dower and divorce	3,180	3,590	3,541	3,269
Do. do. to inheritance	5,165	4,345	3,195	4,036
Do. do. to revenue	5,712	5,462	5,571	6,653
Do. do. to mortgages of immovable property	3,154	3,757	3,251	2,868
Do. for partition of immovable property	1,036	833	835	938
Rent suits not under the Punjab Tenancy Act	5,997	6,076	5,092	4,846
Suits under the Punjab Tenancy Act. — To establish or contest rights of occupancy (sections 5, 6, 8),	778	866	1,051	818
Suits under the Punjab Tenancy Act. — Connected with rent (sections 10, 11, 14 15 and 18) ...	200	385	524	291
Suits under the Punjab Tenancy Act. — Connected with ejectment (sections 19, 20, 25, 26) ...	885	889	1,127	1,135
Other suits	8,294	10,119	10,987	10,224
TOTAL ...	223,087	234,148	228,903	239,498

Re-admitted cases and cases transferred to other courts are excluded from the above table, as also from Imperial Return No. 6.

Land suits and suits for money due.

28. The table shows that 8·9 per cent of the total number of suits disposed of during 1876 were suits connected with land, and 77·7 per cent were suits for money due. The percentages were much the same in the three previous years.

Suits on bonds and for money due otherwise than on bond.

29. There has been an increase of 6 per cent in suits on bonds registered and unregistered, the increase in the former class being 10 per cent, and in the latter 6 per cent. The increase in suits on registered bonds is most marked in the Jullundur district, where the number rose during the year from 1064 to 2089. The increase in suits on unregistered bonds is most conspicuous in the Gurgáon and Rohtak districts, being 89 per cent in the former and 65 per cent in the latter district. Suits for money due otherwise than on bond have increased 7 per cent.

30. The variations in the next three classes shown in the table call for no special notice.

Suits for recovery of personal property.

31. A decline of 7 per cent in suits for the recovery of personal property was noted in last year's report. A further decrease of 11 per cent is shown in the present returns.

Suits relating to marriage.

32. Suits relating to marriage, dower, and divorce show a decrease of 7 per cent. Suits of this class were most numerous in the following districts :—

Ráwalpindi	254 cases.
Hoshiárpur	232 ,,
Amritsar	209 ,,
Gurdáspur	209 ,,

33. Suits connected with the revenue numbered 6653, as compared with 5571 cases in the previous year. The increase is most marked in the Siálkot, Kángra and Dera Gházi Khán districts.

Suits connected with the revenue.

34. There has been rather a remarkable falling off in suits connected with the mortgage of immovable property during the last two years. Fewer suits of this nature were brought in 1876 than in any previous year since 1872. The decrease extends to both classes of mortgages. It is most marked in the Bannu, Amritsar, Ferozepore, Dera Gházi Khán and Pesháwar districts.

Suits relating to mortgage.

35. Suits for partition of immovable property have increased 14 per cent, but still fall considerably short of the litigation of 1873 and previous years. The largest number of suits were brought in the following districts :—

Suits for partition of immovable property.

Umbálla	118 cases.
Ludhiána	97 „
Pesháwar	88 „
Hoshiárpur	71 „
Ferozepore	71 „

36. Suits under the Punjab Tenancy Act fall naturally into three distinct classes, which have been shown separately in the table appended to para 27.

Suits under the Punjab Tenancy Act.

The table shows—

a decrease of 22 per cent in suits to establish or contest rights of occupancy ;

a decrease of 44 per cent in suits connected with rent ;

an increase of ·7 per cent in suits connected with ejectment.

The decrease in suits of the first class is chiefly in suits brought by tenants under section 5 of the Act. Suits of this description fell in the Sirsa district from 155 to 47, in Jullundur from 75 to 33, and in Ráwalpindi from 62 to 16. These results are noted in the local reports, but not explained. The decrease in the Sirsa district, however, as will appear later on, would seem to be merely due to tenants having discovered that it is more to their advantage to await and resist any process for ejectment which may be served on them by their landlords, than to themselves appear as claimants for a declaration of definite rights of occupancy.

In Ferozepore, where suits to establish rights of occupancy have increased from 48 to 100 and suits relating to land have generally increased considerably, the increase is attributed to greater activity on the part of patwaris and other revenue officials, which has disseminated among the people a better knowledge of their rights.

Suits of the second class consist almost entirely of suits for enhancement of rent brought by landlords under sections 10 and 11 of the Act. Suits of this description declined during the year from 480 to 253, the decrease being most marked in districts of the Amritsar Division and in Gujranwála and Hazára. The decrease in the Amritsar Division and in Hazára has not been explained, but in the last named district the general decline in land suits probably only points to the final winding up of the settlement operations and the termination of the special litigation which naturally accompanies a revision of settlement. In the Gujranwála district, it appears, tenants are in most cases protected by the settlement records from enhancement during the present term of settlement. This

was not clearly understood during the earlier years of the settlement, and suits for enhancement were frequent. The terms of the settlement records are now strictly enforced by the courts with the result noted above.

Only 36 suits were brought during the year under section 14 by tenants for abatement of rent, and of these 24 were brought in the Hazára district alone.

To pass on to suits of the last class, the statistics of the year are marked by a decrease of 47 per cent in suits by landlords for the ejectment of tenants without rights of occupancy, and by an increase of 269 per cent in suits brought by tenants, under section 25, to contest notices of ejectment. The decrease in suits for ejectment is most marked in the Hoshiarpur district, and is attributed by the Commissioner of Jullundur, and probably rightly, to landlords having learnt by experience that a simple and cheaper method of getting rid of a distasteful tenant-at-will is to apply to the revenue authorities, under section 23, for a notice of ejectment. The last published Revenue Report shows that 3,301 such notices were served during the year 1875-76. Suits by tenants to dispute notices of ejectment increased in the Sirsa district from 59 in 1875 to 336 in the year under report. The increase is attributed by the Commissioner to the peculiar position of the district, as a newly populated one on the eve of a fresh settlement, and a consequent eagerness on the part of both landlords and tenants to establish their rights and position before settlement operations are commenced.

187 suits were brought by tenants on account of illegal ejectment, as compared with 226 suits in the previous year.

Suits by shopkeepers against agriculturists.

37. Suits by shopkeepers and bankers against agriculturists have steadily increased during the past three years, as the annexed table testifies :—

Year.	Number of suits.	Per-centage of increase over previous year.
1874	82,106	7
1875	90,839	9
1876	101,272	11

In the year under report these suits constituted 42 per cent of the entire litigation disposed of. The proportion was highest in Shahpur (81 per cent), Jhelum (74 per cent), Montgomery (70 per cent), and Gujranwala (69 per cent). It was lowest in the following districts :—

Simla	... ...	3 per cent.
Peshawar	... ...	14 ,,
Sirsa	... ...	16 ,,
Delhi	... ...	24 ,,

E.—Value and cost of suits.

38. Imperial Return No. 7 shows the value of the suits disposed of during the year in the various Civil Courts of the Province.

Further details connected with the value and cost of these suits are contained in the annexed statement :—

Valuation of suits.	Suits relating to proprietary right in or occupancy of land assessed or subject to settlement.						Other suits.					
	Number of suits.	Aggregate value of suits.	Aggregate cost of suits.	Average value of suits.	Average cost of suits.	Per-centage of costs to value.	Number of suits.	Aggregate value of suits.	Aggregate cost of suits.	Average value of suits.	Average cost of suits.	Per-centage of costs to value.
Not exceeding Rs. 5	4,872	15,872	7,280	3 4 2	1 7 11	15·9	30,758	1,14,717	26,429	3 11 8	0 13 8	23·0
Do. „ 20	7,198	89,948	17,018	12 7 11	2 5 10	18·9	81,637	10,40,242	1,40,100	12 11 10	1 11 6	13·4
Do. „ 100	5,600	3,08,847	38,157	46 12 9	5 12 6	12·3	81,947	36,10,337	3,75,953	44 0 11	4 9 5	10·4
Do. „ 500	1,844	3,72,935	37,461	202 3 11	20 5 0	10·0	19,974	37,99,741	3,39,567	190 3 9	17 0 0	8·6
Do. „ 1,000	139	91,273	8,002	656 10 3	57 9 1	8·8	1,163	7,97,846	70,643	686 0 4	60 11 10	8·8
Do. „ 5,000	49	86,325	6,608	1,761 11 9	134 13 9	7·6	493	8,95,891	73,845	1,817 3 7	149 12 7	8·1
Do. „ 10,000	3	21,795	956	7,265 0 0	318 10 8	4·3	41	2,60,678	17,986	6,358 0 0	438 10 11	6·8
Do. „ 1,00,000	1	18,290	597	18,290 0 0	597 0 0	3·2	18	5,68,078	23,435	31,559 14 3	1,301 15 1	4·1
Exceeding „ 1,00,000	1	2,00,050	4,568	2,00,050 0 0	4,568 0 0	2·2	...	...	...	...	...	...
TOTAL ...	20,707	12,05,335	1,20,647	58 3 4	5 13 2	10·0	216,031	1,10,87,530	10,67,958	51 5 2	4 14 4	9·6
Suits of which the value cannot be fixed	626	...	8,349	...	13 5 5	...	2,134	...	22,120	...	10 5 10	...
GRAND TOTAL ...	21,333	12,05,335	1,28,996	58 3 4	6 3 9	10·7	218,165	1,10,87,530	10,90,078	51 5 2	4 15 11	9·8

It will be remembered that readmitted cases and cases transferred to other courts are excluded from both statements.

Total aggregate value of suits.

39. Excluding suits the money value of which cannot be fixed, the total aggregate value of the suits disposed of in 1876 amounted to Rs. 1,22,92,865, as compared with a total aggregate value of Rs. 1,18,85,672 in the previous year.

Value and cost of land suits.

40. The value of suits relating to land rose from Rs. 9,59,555 in 1875 to Rs. 12,05,335 in the year under report. It will be observed, however, that the aggregate value of 1876 is swelled by a single suit for Rs. 2,00,050 in the Lahore district. Of suits of this nature 23 per cent were of a value not exceeding Rs. 5, and 58 per cent of a value not exceeding Rs. 20. The table further shows that, while the average value of land suits has risen from Rs. 48-6-5 to Rs. 58-3-4, the average cost remains the same as last year.

Value and cost of suits not connected with land.

41. The aggregate value of suits not connected with land was Rs. 1,10,87,530, as compared with Rs. 1,09,26,117 in 1875. In 52 per cent of these cases the value of the suit did not exceed Rs. 20, and in 89 per cent it did not exceed Rs. 100. The average cost amounted to Rs. 4-15-11.

F.—Agency for Disposal of Suits.

42. Imperial Return No. 8 shows the general result of the trial of Civil suits in the various classes of courts of original jurisdiction in the Province.

The annexed statement shows in detail the distribution of original suits among the several courts of districts during the past three years:—

Number.	Officers.	Original cases decided. Number in 1876.	Original cases decided. Per-centage. 1874.	1875.	1876.	Average number of cases decided by officers of each grade. 1874.	1875.	1876.
32	Deputy Commissioners ...	174	0·1	0·1	0·07	10	9	5
16	Judicial Assistants (Europeans, ...	1,332	...	0·2	0·5	...	26	83
5	Do (Natives) ...	2,079			0·8			416
64	Assistant Commissioners ...	10,422	5·6	6·4	4·2	208	236	163
21	Extra Assistant Commissioners (Europeans) ...	2,869	2·8	2·1	1·1	324	240	136
80	Do. Do. (Natives) ...	32,178	18·3	15·4	13·0	537	454	402
120	Tahsildars ...	37,216	30·1	21·7	15·1	589	485	310
119	Naib Tahsildars ...	14,592	19·1	15·1	5·9	377	298	123
74	Munsiffs ...	110,931	...	14·4	44·8	...	460	1,495
44	Honorary Civil Judges ...	12,201	6·1	5·2	5·0	294	258	249
*8	Judges of District Small Cause Courts ...	15,610	15·7	13·2	6·3	4,364	3,888	1,951
8	Do. Cantonment Do ...	7,632	2·2	2·9	3·1	803	862	954
	Total ...	247,236	...	...	...	...	...	...

* 5 Judges of Small Cause Courts are also shown above as Judical Assistants.

Effect of establishment of Munsiffs' Courts on distribution of civil business.

43. The important feature in the above table is the change in the distribution of work which has been effected by the establishment of Munsiffs' courts, and the creation of a new class of purely judicial officers.

During the year under report 44·8 per cent of the total original civil litigation of the province was disposed of by Munsiffs, to the great relief of Sadr and Tahsil courts. A more accurate idea of the relief which has really resulted to the ordinary district staff is, however, obtained if we exclude suits disposed of by the special agency of Honorary Civil Judges and Judges of District and Cantonment Small Cause Courts and compare the figures of 1876 with those of 1874, which was the last year in which the superseded system was in force throughout the year. We then find that 179,084 cases were disposed of in 1874 by the ordinary district agency. Last year 211,793 cases were decided by district courts, out of which 110,931, or 52 per cent, were disposed of by Munsiffs, and only 100,862 by Sadr and Tahsil Courts. Again, the table shows that, while the average number of suits disposed of by Assistant Commissioners and Extra Assistant Commissioners has considerably diminished, and the average number of suits decided by Tahsildárs has been reduced from 589 in 1874 to 310 in 1876, on an average 1,495 cases were disposed of in each Munsiff's court.

These results are, taken as a whole, satisfactory. It is true that an average of 1,495 cases for 11 working months is perhaps not quite as high as may eventually be expected from a staff of officers whose duties are purely judicial, but the comparatively low average is mainly due to certain very low averages in a few districts. Such inequalities are unavoidable on the first introduction of a new system, and in the present case it is hoped that they will be to a great extent removed during the current year by the orders passed by His Honor the Lieutenant-Governor in December last, extending the jurisdiction of Munsiffs throughout the whole of the districts in which they are posted.

Hoshiárpur.
Siálkot.
Jullundur.
Ludhiána.
Amritsar.

44. The districts in which the largest amount of work was disposed of by Munsiffs are those noted in the margin, in all of which the average number of cases decided by each Munsiff exceeded 2,000 cases.

The average is lowest in the following districts :—

District.	*Average number of cases decided by each Munsiff.*
Gurgáon	832
Karnál	938
Mooltán	645
Dera Ghazi Khán	988
Bannu	872
Pesháwar	939
Hazára	870

In the three districts first named, revised arrangements have been already sanctioned which will, it is hoped, bring about a more satisfactory result during the year now current. In the other districts proposals for revising the present arrangements are awaited.

Work performed by Tahsildars.

45. At the time of the introduction of the Judicial Agency Scheme of 1875, 360 cases per annum were fixed by the Judges, with the concurrence of the Financial Commissioner and the approval of Government, as the maximum number of civil cases which should be exacted from Tahsildars. The average, therefore, of the year under report, *viz.* 310 cases, cannot be considered as in any way excessive.

In the following districts, however, the fixed limit of 360 cases per annum has been exceeded :—

	Average number of cases.
Rohtak	380
Kángra	372
Siálkot	494
Ráwalpindi	418
Gujrát	437
Mooltan	386
Dera Ghází Khán	389
Pesháwar	401
Hazára	458.

The pressure in Siálkot seems to have been unavoidable under the circumstances of the district. The five Munsiffs attached to the district disposed of an average of 2,021 cases each, and a fair proportion of civil work was disposed of in the sadr courts.

In Rohtak, where there is no Munsiff and the average is not much above the fixed limit, both the Commissioner and the Deputy Commissioner are of opinion that the civil work thrown upon the Tahsildars was not so heavy as to interfere with the due discharge of their other duties. In the remaining seven districts the Munsiffs do not appear to have done as much work as might have been reasonably expected from them. As has been pointed out above, however, it is hoped that the defect will be remedied during the current year.

Division of work between European and Native agency.

46. Cases were divided between European and Native agency as under :—

	No. of cases.	*Per-centage.*
European Judges	38,039	16
Native "	209,197	84

Honorary Civil Judges.

47. The share of work disposed of by Honorary Civil Judges was rather less than in the two previous years.

48. The work of Small Cause Courts will be noticed separately in Part II of this report.

G.—Execution of Decrees.

49. Imperial Return No. 10 shows the execution work of the various Civil Courts of the Province.

The annexed comparative statement shows in further detail the progress made in each district during the past two years:—

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Districts.	Year.	Total number of applications for execution.	Completely executed.	Partially executed.	Struck off.	Transferred.	Total number disposed of.	Per-centage of decrees completely executed to the number disposed of.	Average duration.	Value of decrees put in execution.	Amount realized. Voluntarily.	Amount realized. After execution of coercive processes.	Per-centage realized.
Delhi ...	1875	5,939	1,155	2,695	1,479	318	5,647	22	20	5,54,517	23,680	1,23,847	26
	1876	6,510	1,408	2,531	1,568	296	6,098	23	16	7,78,506	17,812	95,213	15
Gurgáon ...	1875	1,852	711	624	299	51	1,685	42	31	2,20,788	2,525	37,812	18
	1876	2,012	644	667	488	36	1,835	35	38	2,16,352	762	38,525	18
Karnál ...	1875	2,334	544	490	1,038	41	2,113	26	31	2,16,672	4,065	34,378	17
	1876	2,447	626	484	1,086	49	2,245	28	34	4,16,448	3,983	58,699	15
Hissár ...	1875	1,729	444	426	700	46	1,626	27	21	1,26,835	3,706	30,220	62
	1876	2,355	621	673	985	15	2,294	27	22	2,08,731	12,937	35,803	23
Rohtak ...	1875	2,043	695	736	332	36	1,799	39	26	1,07,993	5,153	39,386	41
	1876	3,091	1,015	1,340	442	43	2,840	36	38	1,67,132	8,541	40,927	30
Sirsa ...	1875	1,095	297	186	458	31	972	30	36	1,17,073	12,641	15,066	24
	1876	1,276	403	297	411	36	1,152	35	35	1,09,082	13,031	15,975	26
Umbálla ...	1875	6,022	2,401	1,345	1,627	...	5,373	45	29	4,46,322	17,850	1,84,879	45
	1876	6,558	2,525	1,450	1,795	...	5,770	44	30	5,17,995	14,085	1,62,961	34
Ludhiána ...	1875	6,308	1,751	1,870	2,094	...	5,715	30	24	2,78,051	18,629	71,215	32
	1876	6,837	1,788	2,296	2,127	...	6,211	29	26	4,35,538	9,542	68,773	18
Simla ...	1875	2,158	617	414	953	76	2,080	29	12	1,46,808	9,054	60,991	40
	1876	1,782	549	289	800	42	1,680	33	10	1,66,780	5,985	37,553	26
Jullundur ...	1875	11,052	2,586	3,080	4,015	144	9,825	26	28	6,48,177	26,776	1,46,550	27
	1876	11,438	3,087	3,147	3,965	...	10,199	30	30	8,26,506	11,915	1,94,518	25
Hoshiárpur ...	1875	11,358	2,815	2,889	4,617	...	10,321	27	33	5,39,036	17,245	1,65,774	34
	1876	10,789	2,864	2,319	4,346	...	9,529	30	40	6,70,997	10,508	1,39,603	22
Kángra ...	1875	2,860	1,319	555	727	...	2,601	50	19	1,38,659	9,195	36,978	33
	1876	3,431	1,481	726	840	...	3,047	49	41	1,82,770	6,995	48,657	30
Amritsar ...	1875	9,661	2,780	2,004	3,530	...	8,314	33	29	7,47,717	48,068	1,25,591	23
	1876	12,502	3,278	2,532	3,943	1,325	11,078	29	31	9,77,421	37,079	2,35,704	27
Gurdáspur ...	1875	6,167	2,006	1,848	1,809	...	5,163	38	48	3,31,709	4,234	1,12,999	33
	1876	7,249	2,419	1,555	2,269	11	6,254	39	63	5,26,134	2,672	1,42,097	28
Siálkot ...	1875	10,624	3,030	3,596	2,679	...	9,305	32	28	4,57,275	1,818	2,12,913	46
	1876	12,931	3,940	3,773	3,823	...	11,536	34	28	6,06,932	1,284	1,93,160	32
Lahore ...	1875	10,851	2,592	3,070	4,267	101	10,030	25	30	5,74,931	26,795	1,44,118	31
	1876	12,698	3,236	3,663	4,896	...	11,795	27	36	7,05,076	38,949	1,50,303	27
Gujránwála ...	1875	5,519	1,476	1,086	2,300	11	4,873	30	37	1,84,365	9,886	52,015	33
	1876	6,286	1,581	1,424	2,560	22	5,587	28	34	3,07,708	19,026	61,008	26
Ferozepore ...	1875	4,987	1,142	1,383	1,659	2	4,186	27	30	2,26,040	15,827	48,944	28
	1876	5,693	1,540	1,781	1,727	...	5,018	31	25	3,65,857	12,301	83,666	26

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Districts.	Year.	Total number of applications for execution.	Completely executed.	Partially executed.	Struck off.	Transferred.	Total number disposed of.	Per-centage of decrees completely executed to the number disposed of.	Average duration.	Value of decrees put in execution.	Amount realized. Voluntarily.	Amount realized. After execution of coercive processes.	Per-centage realized.
Rawalpindi ...	1875	4,364	2,196	734	1,356	59	4,339	50	31	2,69,774	5,518	1,01,050	33
	1876	5,502	2,275	971	1,773	42	5,061	45	32	3,93,355	12,960	1,01,190	29
Jhelum ...	1875	2,449	1,102	626	510	9	2,248	49	36	2,08,900	6,307	55,766	24
	1876	2,613	1,047	796	543	1	2,387	44	45	1,77,703	2,389	65,880	38
Gujrát ...	1875	4,636	1,337	1,050	1,546	...	3,933	34	34	1,10,582	4,677	47,233	48
	1876	4,966	1,818	1,139	1,449	...	4,406	41	36	1,88,267	5,430	81,073	46
Sháhpur ...	1875	3,210	828	510	1,515	...	2,853	29	38	1,82,789	3,086	37,281	24
	1876	2,991	671	472	1,369	...	2,512	27	46	1,86,679	5,750	31,378	19
Mooltan ...	1875	1,827	644	441	586	...	1,671	38	16	1,70,207	16,815	30,175	39
	1876	2,107	879	400	739	...	2,018	44	25	2,98,005	18,730	59,636	26
Jhang ...	1875	1,987	705	377	783	...	1,865	38	29	90,307	422	24,999	28
	1876	2,377	936	472	847	...	2,255	41	35	1,17,404	6,061	39,891	38
Montgomery	1875	1,864	509	267	990	...	1,766	29	30	1,37,196	7,563	17,507	18
	1876	2,186	564	508	952	...	2,024	27	27	1,91,178	18,344	22,826	21
Muzaffargarh	1875	1,848	630	197	809	2	1,638	38	38	95,249	2,404	26,346	30
	1876	2,271	768	258	1,095	8	2,609	37	43	1,14,879	2,303	31,200	29
D. Ismail Khán	1875	2,375	1,126	375	747	...	2,248	50	24	1,13,931	15,927	46,727	65
	1876	2,138	943	344	711	1	1,999	47	29	1,40,972	7,499	42,660	36
D. Ghazi Khán	1875	2,783	1,356	432	694	...	2,482	55	19	94,813	31,302	18,150	52
	1876	3,069	1,801	502	613	1	2,917	62	17	1,04,636	30,373	28,481	56
Bannu ...	1875	1,434	963	178	197	...	1,338	71	36	54,180	6,509	31,782	70
	1876	1,406	818	164	342	...	1,324	62	37	76,327	5,770	21,908	31
Peshawar ...	1875	3,063	1,370	803	690	...	2,866	48	16	1,82,187	10,135	62,883	55
	1876	3,524	1,464	777	721	...	2,962	49	11	2,10,012	13,626	80,444	45
Hazára ...	1875	1,613	705	257	409	...	1,371	51	30	45,549	8,812	25,995	76
	1876	1,877	852	493	351	...	1,696	50	19	88,240	4,004	28,640	37
Kohát ...	1875	342	196	68	59	...	325	59	19	13,615	1,625	5,852	54
	1876	462	273	100	62	...	435	63	25	20,262	1,815	8,268	50
TOTAL ...	1875	136,654	42,081	34,122	45,488	930	122,571	34	28	77,77,122	3,35,426	21,94,917	33
	1876	153,374	48,114	38,348	49,878	1,928	138,263	35	31	1,04,94,144	3,61,561	24,42,136	26

50. From the above it will be seen that the year has been marked by the substantial increase of nearly 12 per cent in the amount of execution work for disposal.

51. Of 153,374 applications for execution for disposal, 138,263, or 90 per cent, were disposed of during the year as follows :—

	Per-centage. 1876.	1875.
Completely executed	35	34
Partially executed	28	27
Struck off without any execution	36	37
Transferred	1	2

The per-centages of the previous year have been added for comparison.

52. It will be seen that the per-centages of applications completely and partially executed are slightly higher than in the preceding year. The per-centage of applications completely executed is most favorable in the Dera Ghazi Khan, Bannu and Kohát districts, in each of which more than 50 per cent of the decrees put in execution were completely executed. The proportion is, as usual, lowest in the Delhi district.

Realization.

53. The total value of decrees of all descriptions put in execution during the year amounted to Rs. 1,04,94,144, and Rs. 28,03,697, or 26 per cent of the total amount realizable, were realized on account of money decrees. This result is not so favorable as that obtained last year, when the ratio borne by realizations on account of money decrees to the total value of decrees of all descriptions put in execution was 33 per cent. With reference to the low per-centage of realizations, however, it must be remembered that the per-centage is only a rough one calculated on the proportion borne by the amount realized on account of *money* decrees to the total amount realizable on decrees of *all kinds*, and it must be further explained that, in the case of decrees put in execution more than once during the year, the unrealized balance is re-entered on each occasion as a fresh amount for realization, whereas the amounts realized during the year appear only once in the column of realizations. The per-centage shown in the statement, therefore, does not at all adequately represent the progress which has been really made in the execution of money decrees. The form of return is now being revised, and it is hoped that next year's report, while it will show accurately the ratio between money decrees for realization and money decrees realized, will show that the results obtained are not so poor as they would now appear to be.

Districts in which per-centage of realizations is lowest.

54. The decline in the per-centage of realizations on the value of decrees put in execution noticed in the preceding paragraph is most marked in the Delhi district. Beyond showing that the present mode of calculation does not fairly represent the real per-centage realized, the Deputy Commissioner has not offered any explanation for the results of the year under report being apparently so much less favorable than those of the preceding year. Realizations too in the Gurgáon, Karnál, Ludhiána and Sháhpur districts compare unfavorably with those of other districts. The subject will be reverted to in the Chapter on Procedure.

Decrees for immovable property and specific performance.

55. In addition to money decrees, 5,181 decrees relating to immovable property of an estimated value of Rs. 4,40,446 were put in force during the year, and 851 decrees for specific performance were likewise executed.

Manner of realization of money decrees.

56. Of the Rs. 28,03,697 realized on account of money decrees, Rs. 3,61,561 were paid in voluntarily, and Rs. 24,42,136 were realized by means of coercive process.

Further details regarding the mode of realization in money decrees are given in the subjoined table of per-centages :—

Paid in voluntarily	13	per cent.
Realized by means of arrest or imprisonment,	5	„
Realized by attachment of movable or immovable property	68	„
Realized by sale of ditto do. ...	14	„

57. Out of 6,985 persons for whom warrants of arrest were issued during the year, 865 only were actually committed to jail; and of these 533 were released within a month. Of the 12 persons who remained in jail over 6 months, four only were in confinement at the close of the year. The longest period a debtor had been detained in prison at the close of the year was 12 months and 8 days, in the Muzaffargarh district. The Deputy Commissioner explains that the decree is for over Rs. 3,000, and that the judgment-debtor, though he has the means, will not make any arrangement to satisfy his creditor.

Arrest and imprisonment.

58. In 21 per cent of the 76,671 cases in which movable property was attached, sale of the property ensued. In the remaining 79 per cent the mere attachment of the property was sufficient for the recovery of the amounts due.

Attachment and sale of property.

There were 7312 attachments of immovable property, in 22 per cent of which the property was brought to sale. The property sold was in 169 cases ancestral or jointly acquired.

59. In 495 cases temporary alienation of land in execution of a decree of Court was effected under Sections 243 and 244 of the Civil Procedure Code.

Temporary alienation of land.

60. The average duration of execution cases was 31 days, as compared with an average duration of 28 days in the previous year.

Average duration.

II.—Witnesses.

61. The following statement shows the attendance of witnesses in Civil Courts during the past two years :—

	1875.	1876.	*Difference.*
Number of witnesses who appeared voluntarily	138,952	145,999	+ 7.047
Number of witnesses who appeared on summons	257,880	260,527	+ 2,647
Total ...	396,832	406,526	+ 9,694

62. The growing tendency of litigants to arrange privately for the attendance of their witnesses is noticed in several reports, and is attributed to a more exact observance by the Courts of the provisions of Section 151 of the Civil Procedure Code, which require that the expenses of witnesses shall be paid into court before issue of the summons. This is a point of procedure which has been brought prominently to the notice of judicial officers in recent annual reports and the requirements of the Code appear to be now generally complied with.

Voluntary witnesses.

Two objections are taken by the Commissioner of Lahore to the system of voluntary witnesses. He says that it necessitates a larger number of adjournments, as the witnesses at the last moment often refuse to attend, and that voluntary witnesses are generally less trustworthy, being often the persons who can be most easily induced to attend rather than those who are best acquainted with the

facts of the case. Both these objections are no doubt well founded. As regards the former, however, it should be remembered that a distinct remedy for the evil complained of is provided in Sections 146 and 148 of the Civil Procedure Code, and to these sections the Court would invite the attention of Civil Judges.

Expenses of witnesses.

63. The reports show that there is still a divergence of practice in the mode of paying witnesses' expenses. The practice of some Courts is to pay the witnesses in court after they have been examined. In others the money is remitted with the subpœna. The latter is the course prescribed by the Code of Civil Procedure.

PART II.—SMALL CAUSE COURTS.

64. The following statement shows the business of the District Small Cause Courts during the year :—

1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Number of cases on the file.										Average duration of each case		
Courts.	Pending from last year.	Instituted in 1876.	Re-admitted Secs. 116 and 119 Act VIII of 1859, and Sec. 21 Act XI of 1866.	Total.	Disposed of without decree.	Decreed without contest.	Decreed with contest.	Grand total disposed of.	Pending at end of the year.	Per-centage of contested cases.	Contested.	Uncontested.	Cases in column 3 brought by bankers and shop-keepers against agriculturists.
Delhi ...	86	3,028	125	3,239	820	1,855	1,016	3,191	48	31·8	6	5	50
Simla ...	...	1,108	7	1,115	247	824	542	1,113	2	48·7	12	12	...
Ludhiána ...	36	972	...	1,008	227	290	465	982	26	47·3	10	10	34
Jullundur ...	13	453	20	486	161	129	171	461	25	37·1	21	18	114
Hoshiarpur ...	14	446	22	482	143	193	128	464	18	27·6	21	18	...
Amritsar ...	240	3,556	94	3,890	1,305	1,201	1,285	3,791	99	33·9	17	16	9
Lahore ...	212	4,509	163	4,884	941	2,174	1,621	4,736	149	34·2	14	15	301
Peshâwar ...	21	853	13	887	212	347	313	872	15	35·9	11	11	29
Total ... 1876	622	14,925	444	15,991	4,056	6,013	5,541	15,610	381	35·5	14	13	537
Total ... 1875	1,191	30,058	619	31,868	8,712	12,129	9,974	31,115	753	32·0	13	11	9,386

Decrease in business.

65. The marked decrease which has taken place in the business of these Courts, owing to the restriction of their local jurisdiction to municipal limits, has already been noticed in para 5 of this report. It is most marked in the Jullundur and Hoshiarpur Courts. The institutions in these Courts during the past three years are noted below :—

	1874	1875	1876
Jullundur	7,071	4,330	453
Hoshiarpur	5,701	4,203	446

It will be thus seen that the business of the Jullundur and Hoshiarpur Courts has now become almost nominal. The work of the Ludhiana and Peshawar Courts too (though the decrease here is less marked) seems hardly sufficient to require the continuance of a separate agency and special establishment for its disposal. A proposal has lately been submitted by the Judges for the abolition of all four courts. In regard to the Simla Court, it must be remembered that the number shown in the statement only represents the institutions of the 6 summer months during which the court is kept open.

Increase in Peshawar court.

66. Allowing for the narrower jurisdiction of the Peshawar Court, there was an increase of 67 per cent in the number of suits instituted during the year.

Cases for disposal and disposed of.

67. The total number of cases for disposal by District Small Cause Courts, including those pending from the previous year, was 15,991, of which 15,610, or 97·6 per cent, were disposed of during the year.

Details of disposal.

68. The manner of disposal will be seen from the following per-centages :—

Dismissed on default	14	per cent.
Otherwise disposed of without decree ...	12	„
Decided *ex-parte*	12	„
Otherwise disposed of with decree, but without contest	27	„
Decreed after contest in favor of plaintiff ...	27	„
Decreed after contest in favor of defendant...	8	„

It will be seen that the per-centage of contested cases is nearly the same as the general per-centage of the province. The proportion of dismissals by default is lower, and that of cases decided *ex-parte* higher, than those of the ordinary district courts, but both results are only what might be expected from the exceptional character of Small Cause Court litigation.

Average duration.

69. The average duration of contested cases in District Small Cause Courts has risen from 13 to 14 days. The increase, however, is entirely due to higher averages in the Jullundur and Hoshiarpur Courts, the judges of which are no longer exclusively employed on Small Cause Court work.

Oldest pending case.

70. The oldest pending case was instituted in the Simla court, on October 3rd 1876. The delay in disposing of the case seems to have been unavoidable.

Witnesses.

71. Of the 19,803 witnesses who appeared during the year in District Small Cause Courts, 24 per cent only appeared voluntarily.

Suits by shopkeepers against agriculturists.

72. As was anticipated in last year's report, the proportion of suits brought by bankers and shopkeepers against agriculturists has decreased largely. Only 3·4 per cent of the entire number of suits disposed of during the year were of this nature.

Applications for re-trial.

73. In 694 cases applications were preferred for a new trial under the provisions of Section 21 of Act XI of 1865. These applications thus bear a proportion of nearly 13 per cent to the total number of contested suits disposed of during the year. This high per-centage is somewhat remarkable, if it be considered (as will be shown hereafter) that the proportion borne by appeals to contested appealable cases is only 17 per cent.

Of the applications disposed of during the year 74 per cent were rejected *in limine*, in 14 per cent the former judgment was maintained, and in 12 per cent only was the former order reversed or modified. Out of 62 cases admitted for re-trial in the Amritsar and Lahore courts, 33 cases were re-heard by a bench of two judges; in 25 of these cases the former order was upheld.

Since the close of the year the Judicial Assistant of Delhi has been empowered to sit with the Judge of the Small Cause Court as a Court for the re-hearing of reserved cases. Mr. Parker notes that every application for re-trial in which there is the slightest ground for taking a second opinion, is laid before the Bench thus constituted.

Cantonment Small Cause Courts.

74. The following statement shows the work performed by Cantonment Small Cause Courts during the year :—

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Number of cases on the file.											Average duration of each case.		
Courts.	Pending from last year.	Instituted in 1876.	Re-admitted under Secs. 110 and 119 Act VIII of 1859.	Received by transfer.	Total.	Disposed of without decree.	Decreed without contest.	Decreed with contest.	Grand total disposed of.	Pending at end of year.	Per-centage of contested cases.	Contested.	Uncontested.	General average duration.
Umbálla ...	3	1,788	22	...	1,808	559	797	440	1,796	12	24·5	9	5	6
Jullundur ...	26	780	5	...	813	155	417	236	808	5	29·2	21	17	18
Sialkot ...	23	596	...	...	619	190	305	103	598	21	17·2	8	5	5
Meean Meer ...	2	531	...	...	533	70	264	167	501	32	33·3	9	8	7
Ferozepore ...	2	1,198	...	...	1,200	215	781	194	1,193	7	16·3	13	3	4
Rawalpindi ...	2	1,123	...	..	1,125	172	518	430	1,120	5	38·1	14	11	12
Mooltan ...	...	531	1	...	532	140	257	108	505	27	21·4	10	6	7
Peshawar ...	32	1,069	16	...	1,117	207	615	289	1,111	6	26·0	8	6	7
Total 1876	92	7,611	44	...	7,747	1,708	3,957	1,967	7,632	115	25·8	12	10	8
Total 1875	128	6,809	53	...	6,990	1,595	3,486	1,817	6,898	92	26·3	11	13	10

It will be seen that there has been an increase of 10 per cent in the business of these Courts. The statement calls for no further remarks.

PART III.—APPELLATE COURTS.

75. Imperial Return No. 9 shows the business of the Civil Appellate Courts of the Province during the year.

Appeals in District and Divisional courts.

76. The annexed table gives further details regarding the distribution of appeals between District and Divisional courts, and the per-centage borne by first appeals to the appealable decisions of the year.

The totals of 1875 are added to facilitate comparison.

DISTRICTS.	Original appealable cases disposed of.	APPEALS. To Judicial Assistants.	To Deputy Commissioners.	To Commissioners. From Courts of first instance.	To Commissioners. From Subordinate Appellate courts.	Total.	Per-centage of first appeals to decisions appealable.
Delhi	905	194	...	155	20	369	38·5
Gurgáon	824	...	140	95	13	248	28·5
Karnál	741	30	71	175	12	291	37·6
Hissár	787	...	100	51	7	158	19·2
Rohtak	1,271	229	13	145	30	417	30·4
Sirsa	876	...	228	73	22	323	34·4
Umbála	3,244	445	55	375	29	904	27·0
Ludhiana	3,180	395	17	274	21	707	21·6
Simla	682	8	2	50	...	60	8·8
Jullundur	4,986	523	141	292	68	1,024	20·4
Hoshiarpur	6,374	468	14	620	54	1,156	17·3
Kángra	3,361	*279	147	49	24	499	14·1
Amritsar	4,928	448	...	388	89	925	17·0
Gurdáspur	5,319	31	353	129	43	556	9·6
Siálkót	5,100	284	129	203	31	647	12·1
Lahore	3,659	289	...	349	40	678	17·4
Gujranwála	2,873	268	83	146	45	542	17·3
Ferozepore	2,671	546	68	94	73	781	26·5
Ráwalpindi	4,647	248	250	209	31	738	15·2
Jhelum	1,339	112	136	55	16	319	22·6
Gujrát	2,298	309	48	162	11	530	22·6
Sháhpur	1,212	313	48	87	27	475	36·9
Mooltán	808	36	28	90	6	160	19·1
Jhang	1,496	...	113	40	3	156	10·2
Montgomery	963	...	81	54	8	143	14·0
Muzaffargarh	1,180	...	43	18	2	63	5·2
Dera Ismail Khan	1,587	...	128	41	2	171	10·9
Dera Ghási Khán	2,658	114	...	52	9	175	6·3
Bannu	1,081	91	22	40	4	157	14·1
Peshávar	2,248	221	19	97	36	373	15·0
Hazára	1,769	...	131	70	13	214	11·3
Kohát	475	...	26	8	2	36	7·1
TOTAL ... 1876	75,207	5,881	2,637	4,686	791	13,995	17·6
TOTAL ... 1875	69,763	...	7,243	5,130	696	13,069	17·7

* Includes 18 appeals preferred to Assistant Commissioner Kulu.

77. The figures thus show an increase of 17·5 per cent in appeals preferred to district courts, a decrease of 6 per cent in appeals to Commissioners, and, as a net result, an increase of 7 per cent in the appellate work of district and divisional courts taken together.

General results.

78. The increase extends to both first and second appeals.

The increase in first appeals is in keeping with the increase in the number of original appealable cases disposed of during the year. The proportion of first appeals to original appealable cases is as nearly as possible the same for the two years. In 1875 (after deducting cases disposed of by Small Cause Courts, cases disposed of without contest, and cases decided by arbitrators) there were 69,763 appealable cases, and 12,373 first appeals were preferred. The returns for 1876 show 75,207 appealable cases and 13,204 first appeals. The restriction of the local jurisdiction of District Small Cause Courts had an appreciable effect in increasing the proportion borne by appealable cases to total original disposals.

Increase in appellate work analyzed.

Second appeals to Commissioners too have naturally kept pace with the larger number of first appeals disposed of in district courts.

79. The large increase in the appellate work of District Courts which has been noted in para 77 is, no doubt, mainly due to the establishment of Munsiffs' courts and the consequent increase in the number of original suits disposed of by officers with subordinate powers. It is most marked in the following districts :—

Increase in appellate work of District Courts.

Ferozepore	71 per cent.
Ludhiána	74 per cent.
Kángra	62 per cent.

In Ferozepore, in addition to the common cause noted above, the year, as has been already pointed out, was marked by a large increase in land suits, a class of suits which is always freely appealed. Another cause put forward by the local authorities is that the stationary court of the Judicial Assistant was more popular than the more peripatetic Court of the District court used to be.

In Ludhiána there was a considerable increase in original suits, and the restriction of the local jurisdiction of the Small Cause Court to municipal limits increased the proportion of appealable cases.

No very precise cause seems assignable for the exceptional increase in Kángra.

80. The only decrease which calls for special notice is that in the Gurdáspur district, where, in spite of 13,408 original cases having been decided in courts with subordinate powers, as compared with 12,677 cases in the previous year, appeals fell from 464 to 384. The Deputy Commissioner remarks that he cannot account for the falling off.

Decrease in appellate work in Gurdáspur.

81. Of the 5,177 appeals which were instituted in Commissioners' courts, 85 per cent were appeals from the orders of Courts of first instance, and 15 per cent from the orders of subordinate appellate courts.

Institutions in Commissioners' courts.

Proportion of appeals to original appealable decisions in certain districts.

82. The proportion of first appeals to original appealable decisions is highest in the following districts :—

Delhi	38	per cent.
Karnál	37	„
Sháhpur	36	„
Sirsa	34	„
Rohtak	30	„

It is lowest in the Muzaffargarh district, where only 5·2 per cent of the appealable decisions were appealed.

A.—Appeals in District Courts.

Appeals for disposal in District courts.

83. The number of appeals for disposal by District Courts, including those pending from the previous year, was 9,166, of which 8,375, or 91 per cent, were disposed of during the year, and 791 were pending at its close.

Details of disposals.

84. Of the total number disposed of, 69 per cent were decided by Judicial Assistants, and the remainder by Deputy Commissioners. The manner of their disposal may be seen from the following comparative table of per-centages:—

	1875	1876
Withdrawn or struck off on default	7·3	6·5
Confirmed without issue of notice to respondent	24·1	20·2
Confirmed after notice	38·1	41·3
Modified	8·3	7·7
Reversed	14·8	14·4
Remanded for further enquiry	7·4	9·9

85. The variations noted above call for very few remarks.

Variations in certain details noticed.

It will be seen that the proportion of appeals summarily rejected under the provision of Section 7 of Act IX of 1873 is somewhat lower than in the previous year. The per-centages of particular districts vary from 58 in Muzaffargarh and 52 in Gurgáon to less than 1 per cent in Sirsa, Ludhiána, Kángra and Hazára.

There is no material variation in the total per-centage of cases confirmed.

The provincial per-centage of reversals is slightly lower than in 1875. It is highest in Peshawar (30), Gujranwala (24), Lahore (22), and Sirsa (19). As regards Sirsa, the Deputy Commissioner explains that at first the Tahsildárs showed a tendency to deal too hastily with tenancy cases, and that he had therefore to interfere somewhat freely. No explanation has been offered for the high averages in the other districts.

It was noted in last year's report that the per-centage of cases remanded for re-trial under Section 351 had risen from 5·8 to 7·4. The present returns show a further rise of 2·5 per cent. Remands of this description were most frequent in the following districts :—

Simla	33·3	per cent.
Ráwalpindi	18·2	„
Sháhpur	26·6	„

In 361 cases issues were referred to the lower Court for trial under Section 354 of the Civil Procedure Code, as compared with 389 cases in 1875, and 347 cases were remanded under Section 356 for additional evidence against 314 cases in the previous year.

Pending file.

86. Of the 791 appeals which were pending at the close of the year, 59 had been pending over four months.

The heaviest pending files were in the Umbálla district, where the year closed with 114 appeals outstanding, of which 30 had been pending over 4 months. The Commissioner notes that the district was often under-officered and the post of Judicial Assistant never strongly filled. The Judges concur with the Commissioner in thinking that a larger out-turn of work might reasonably have been expected from the officers who held the post of Judicial Assistant during the year.

Average duration.

87. The average duration of appeals in District Courts for the province is 28 days, or 5 days more than in 1875. This high average is, however, mainly due to exceptional averages in the following Courts :—

Delhi	43 days
Umballa	75 „
Jullundur	54 „
Rawalpindi	44 „
Kohat	88 „

Excluding these Courts, the average duration in the remaining 27 districts was 23 days.

The cause of the high average in the Kohát district has been sufficiently explained. The delay in the Umbálla, Jullundur, Delhi and Ráwalpindi courts is not satisfactory.

Prompt disposal in certain districts.

88. A large number of appeals were disposed of with creditable promptness in the Ludhiana, Hoshiarpur, Kángra, Amritsar, Gurdaspur and Gujranwála districts.

Oldest case pending.

89. The appeal which had been longest pending at the close of the year was instituted in the Delhi district on May 22nd 1876. The delay seems to have been unavoidable. The case was decided early in the present year.

Value and cost of appeals.

90. The value and cost of appeals disposed of in District Courts are shown in the following table :—

Scale of valuation.	Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.			Average cost of appeals.			Per-centage of costs to value.
Not exceeding Rupees 5	838	2,801	1,113	3	5	1	1	5	3	39 7
„ „ 20	2,675	34,355	5,630	12	13	6	2	1	8	16 3
„ „ 100	3,796	1,82,540	19,173	48	1	5	5	0	9	10·5
„ „ 500	891	1,45,710	18,186	163	8	7	15	12	11	9 0
Appeals of which no value can be fixed, ...	106	...	1,217	...	...	...	11	7	8	.
TOTAL ...	8,306	3,65,406	40,319	43	16	11	4	13	8	11·0

The table calls for no special remark.

B.—Appeals to Commissioners.

91. The following statement shows in detail the result of appeals to Divisional Courts. The totals of the previous year have been added for easy comparison.

Divisions.	Number of appeals for disposal.	Number disposed of.	Appeals withdrawn, transferred or struck off for default.		Confirmed.		Modified.		Reversed.		Remanded under section 351 Act VIII of 1859.	
			Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Delhi ...	588	471	37	7·8	237	50·3	38	8·1	96	20·4	63	13·4
Hissár ...	351	309	13	4·2	211	68·3	23	7·4	52	16·9	10	3·2
Umbálla ...	1,021	823	50	6·1	466	56·6	44	5·3	197	23·9	66	8·0
Jullundur ...	1,483	1,100	66	6·0	723	65·7	65	5·9	164	15·0	82	7·4
Amritsar ...	1,261	1,189	68	5·7	709	59·6	143	12·0	217	18·3	52	4·4
Lahore ...	874	787	29	3·7	539	68·4	33	4·2	140	17·8	46	5·9
Ráwalpindi ...	711	626	46	7·3	409	65·3	23	3·7	94	15·0	54	8·6
Mooltan ...	226	199	5	2·5	99	49·8	9	4·5	34	17·0	52	26·1
Deraját ...	152	144	...	...	98	68·0	13	9·0	25	17·4	8	5·6
Pesháwar ...	242	220	15	6·8	133	60·5	17	7·7	40	18·2	15	6·8
Total ... 1876	6,909	5,868	329	5·6	3,624	61·8	408	7·0	1,059	18·0	448	7·6
Total ... 1875	7,860	6,450	382	5·9	4,318	66·9	322	5·0	1,084	16·8	344	5·4

From the above it will be seen that out of 6,909 appeals for disposal, 85 per cent were disposed of during the year, and 15 per cent were pending at its close. In 1875, 82 per cent of the appeals for disposal were disposed of during the year.

Of the orders confirmed 643, or nearly 18 per cent, were confirmed without issuing notice to the respondent. It has been remarked in the previous section of this report that in district courts the per-centage was 20 per cent.

The proportion of cases in which the order of the lower court was modified has risen from 5 to 7 per cent. The per-centage of reversals too has increased from 16·8 to 18·0, the rise being most marked in the Umbálla Court, where it has increased from 16·6 to 23·9.

The per-centage of cases remanded for a fresh trial on the merits under Section 351 is extraordinarily high in the Mooltan and Delhi Courts, being 26 in the former and 13 in the latter court.

The remaining details shown in the table call for no special remark.

Pending file.

92. Of the 1,041 appeals which were pending at the close of the year in Commissioners' Courts, 186 only had been pending for more than four months. These figures contrast very favorably with those of the previous year, which closed with a pending file of 1,410 cases, of which 603 had been pending for more than four months. The clearance off of the long standing arrears of the Amritsar Court is especially satisfactory. At the close of the year 72 appeals, or about an average month's institutions, only were pending, and of these 12 alone had been pending for more than two months.

93. The heaviest pending files were in the Jullundur and Umbálla Courts. In Jullundur there remained 383 appeals undisposed of at the end of the year, and in Umbálla 198 appeals. It must be remembered, however, that the appellate work of the Jullundur division is the heaviest in the Province, and in Umballa, where next to Amritsar and Jullundur, civil appeals are most numerous, the Commissioner worked single handed during the greater portion of the year.

Pending files in Jullundur and Umballa Courts.

94. Additional Commissioners held office throughout the year at Amritsar and Jullundur. Mr. Barkley also acted as Additional Commissioner at Umbálla for three months, and was in May appointed in the same capacity to Delhi, where he held office till the end of the year.

Additional Commissioners.

95. The average duration of appeals in Commissioners' Courts was 79 days, or 5 days more than in the previous year. It was highest in the following courts:—

Average duration.

Delhi	123 days.
Amritsar	104 „
Jullundur	98 „

The court of the Commissioner of Lahore is again this year conspicuous for the prompt disposal of a large amount of appellate business.

Value and cost of appeals.

96. The value and cost of appeals in Commissioners' Courts will be seen from the annexed table.

Scale of valuation.	Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.			Average cost of appeals.			Per-centage of costs to value.
Not exceeding Rupees 5	835	1,170	867	3	9	3	2	9	5	74·1
„ „ 20	1,015	13,440	3,852	13	3	11	3	12	9	62·6
„ „ 100	2,364	1,22,639	16,293	51	14	1	6	14	3	13·2
„ „ 500	1,339	3,09,217	27,813	230	14	11	20	12	4	8·9
„ „ 1,000	217	1,49,442	13,278	688	3	4	61	3	0	8·8
„ „ 5,000	134	2,44,344	15,212	1,823	7	5	113	8	4	6·2
„ „ 10,000	9	56,061	3,339	6,229	0	0	371	0	0	5·0
„ „ 1,00,000	8	2,92,282	9,544	36,535	4	0	1,193	0	0	3·2
Appeals of which no value can be fixed ...	444	...	4,875	...	...	...	10	15	8	...
TOTAL ...	5,865	11,88,595	95,078	202	10	6	16	3	5	7·9

C.—APPEALS IN CHIEF COURT.

97. The appellate work of the Chief Court, as compared with the preceding year, is summarized in the annexed statement.

	Year.	Number of appeals instituted.	Number of appeals for disposal.	Number disposed of.	Per-centage of Appeals. Transferred.	Dismissed for default.	Rejected at preliminary hearing.	Confirmed after issue of notice to respondent.	Modified.	Reversed.	Remanded under section 351.	Average duration.
Regular appeals ...	1875	563	740	580	0·7	3·1	22·7	44·5	1·9	20·7	6·4	77
	1876	686	849	667	0·5	6·0	27·1	39·1	3·0	22·6	6·8	77
Special appeals ...	1875	1,238	1,451	1,246	0·2	6·0	55·0	24·6	0·9	5·3	8·0	33
	1876	1,294	1,499	1,292	0·3	8·2	48·3	23·7	1·9	5·1	12·5	54
TOTAL ...	1875	1,801	2,191	1,826	0·3	5·1	44·7	30·8	1·2	10·1	7·5	4[illegible]
	1876	1,980	2,348	1,959	0·3	7·8	39·0	29·0	2·2	11·1	10·6	62

98. There were thus 1,980 civil appeals instituted during the year, an increase of 9·9 per cent upon the number of the previous year.

Increase in civil appellate work.

The increase in appeals to the Chief Court which has taken place during the past five years is noteworthy. The figures stand thus :—

	1872	1873	1874	1875	1876
Regular appeals	242	417	493	563	686
Special appeals	1,178	1,168	1,252	1,238	1,294
Total ...	1,420	1,585	1,745	1,801	1,980

It will be seen that each year has been marked by a steady increase of civil appellate work. If the figures of 1876 are compared with those of 1872, the table shows that regular appeals have almost trebled during the five years, that special appeals were nearly 10 per cent more numerous in 1876 than in 1872, and that the appellate business of the Court, considered as a whole, has increased 39 per cent.

99. Of the total number of appeals for disposal, 1,959, or 83·4 per cent, were disposed of during the year, and 389 appeals, or 16·6 per cent, were pending at its close. The oldest pending case was a regular appeal from the Court of the Commissioner of Lahore, and was instituted on 15th January 1876. The case was a complicated one and had to be remanded for further investigation. It has been decided during the present year.

Disposal of appeals.

100. The average duration of civil appeals in the Chief Court was 62 days, being 77 days in regular and 54 days in special appeals.

Average duration.

101. Of the appeals disposed of, 725, or 37 per cent, were appeals in suits connected with land. The proportion of appeals of this nature was 33 per cent last year.

Appeals in land cases.

The remaining details of disposal are sufficiently shown in the statement, and call for no further remark.

102. The value and cost of the appeals disposed of by the Chief Court are shown in the subjoined table :—

Value and cost of appeals.

Valuation of suits.	Appeals in suits other than for land.						Land suits.					
	Number of suits.	Aggregate value of suits.	Aggregate cost of suits.	Average value of suits.	Average cost of suits.	Per-centage of costs to value.	Number of suits.	Aggregate value of suits.	Aggregate cost of suits.	Average value of suits.	Average cost of suits.	Per-centage of costs to value.
Not exceeding Rs. 5	57	210	329	3 10 11	5 12 4	156·6	57	185	307	3 3 11	5 6 2	165·9
Do. " 20	157	2,193	333	13 15 6	5 15 1	42·5	150	1,908	973	12 11 6	6 5 9	50·9
Do. " 100	276	14,919	2,682	54 0 10	9 11 6	17·9	373	18,339	3,878	49 2 8	10 6 4	21·1
Do. " 500	186	42,257	5,270	227 3 6	28 5 4	17·2	131	26,523	3,324	202 7 4	25 4 6	12·5
Do. " 1,000	33	24,689	2,871	749 2 5	87 0 0	11·6	1[illegible]	7,251	828	659 2 10	74 4 4	11·4
Do. " 5,000	35	66,552	4,806	1,904 7 9	137 5 0	7·2	3	5,698	666	1,899 5 4	333 0 0	11·6
Do. " 10,000	2	15,790	1,167	7,895 0 0	583 8 0	7·3	...	...	...	...	...	...
Do. " 1,00,000	6	1,19,418	6,744	19,903 0 0	1,124 0 0	5·6	...	...	...	...	...	...
Exceeding " 1,00,000	...	...	...	...	...	...	...	...	...	...	...	...
Appeals for which no value can be fixed* ...	475	...	...	...	...	...	...	...	...	...	...	...
TOTAL ...	1,227	2,86,028	24,802	380 5 8	32 15 8	8·6	725	59,904	9,976	82 10 5	13 12 2	16·6

Applications for occupancy rights 127
" declaratory decree 182
" custody of wives 32
" execution of decree &c. 134

* TOTAL ... 475

The most noticeable feature in the table is the decline in the value of appeals connected with land. These appeals were of an average value of Rs 82 only, as compared with an average value of Rs. 225 in 1875. The per-centage of costs to value in appeals relating to land has increased from 9·2 to 16·6.

Disposal of work other than appellate.

103. Besides appellate work the following cases and petitions were disposed on the civil side of the Court :—

Cases under Section 35 of Act XXIII of 1861	228
Cases under Section 16 of Act IV of 1866	45
Civil references	22
Petitions for removal and transfer of suits and appeals ...	13
Miscellaneous cases and petitions...	573
Total ...	881

Judges' inspection tours.

104. Judges' inspection tours have been noticed in the Criminal Report.

PART IV.—PROCEDURE.

Summons for final disposal.

105. Opinions differ, as usual, on the question of how far summonses for final disposal are suited to the people and are operative. The approaching introduction, however, of the new Civil Procedure Code, which requires that in all suits cognizable by a Small Cause Court the summons shall be for final disposal, deprives the question of much of its former interest. It would seem that summonses for final disposal were more freely used than in previous years, but that, except in the larger towns, it was seldom found possible to dispose of the suit at its first hearing. It could hardly be expected, however, that the rural population would fall in at once with a system which is contrary to procedure to which they have been long accustomed, and perhaps even to their pre-conceived ideas of how civil litigation should be conducted.

Cause lists and notice of adjournments.

106. A majority of officers report that cause lists are properly prepared and posted, and that, what is still more important, notice of adjournment and of the date and place fixed for the next hearing is regularly intimated to the parties by means of slips of paper. In the few districts where laxity still continues the subject is receiving due attention. The Deputy Commissioner of Mooltan notes a practice which has been introduced in that district of supplying the parties with lithographed slips specifying the date and place of the next hearing. This system has been long followed in the Chief Court, and is one which the Judges would be glad to see introduced throughout the Province.

Adjournments.

107. As regards the granting of adjournments, this year's reports bear evidence that the subject is receiving from Commissioners and Deputy Commissioners the attention which was demanded for it by His Honor the Lieutenant Governor in his review of last year's Civil Report,

and that efforts are being made to check unnecessary postponements in subordinate courts, and to render the disposal of civil suits as prompt as is compatible with full enquiry and the reasonable convenience of the parties concerned.

Commissions.

108. It is satisfactory to learn that the more active supervision which has been exercised during the last two years by the superior courts over the issue of commissions for local investigation and the examination of accounts is producing good results. Commissions appear to have been issued far more charily than in previous years, and fewer cases came to light in which the law had been misused and commissions issued on insufficient or improper grounds. Greater care too is now taken in the selection of fit persons as commissioners.

Recording of evidence and judgments.

109. Evidence is said to be as a rule recorded in accordance with the requirements of Section 172 of the Civil Procedure Code, and judgments to be duly prepared in writing before they are delivered. In the few cases in which laxity in either point has been observed by the Chief Court the irregularity has been pointed out to the officer concerned, and the same practice seems to be generally observed by Commissioners and Deputy Commissioners.

Execution work.

110. Allusion has been already made in Part I of this report to the execution work of the year, and it has been pointed out that, as far as can be ascertained from the returns in their present form, realizations on account of money decrees compare unfavorably with the results of previous years. From the local reports it would appear that this want of success must, in some districts at all events, be attributed to lax procedure and want of method and regularity in the disposal of execution cases. The attention of Commissioners and District Officers has been again drawn to the clear and emphatic orders which have been issued by the Chief Court on the subject, and they have been desired to pay special attention to this portion of the work of their subordinate courts during the current year.

Supervision.

111. The Judges noticed with satisfaction in last year's report the improvement observable in the control exercised by Commissioners and Deputy Commissioners over their subordinate courts. It is satisfactory to find from the reports now under review and a large number of inspection reports which have been received separately that this improvement has been sustained. In a majority of districts a portion of the work of each subordinate court is examined and criticized every month by the Deputy Commissioner or Judicial Assistant, and the same practice is followed as far as possible by Commissioners. Registers are also inspected once or twice during the course of the year, as circumstances permit.

I have the honor to be,

Sir,

Your most obedient servant,

G. W. RIVAZ,

Offg. Registrar, Chief Court, Punjab.

IMPERIAL RETURNS.

IMPERIAL RETURN. No.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF ORIGINAL CIVIL

YEAR

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	MONEY DUE.									SUITS FOR DAMAGES.						
	On written promise for sum certain.															
COURTS.	Registered.	Unregistered.	On unwritten promise for sum certain.	On account stated.	For money paid or received.	For goods sold and delivered.	For breaches of contract not included in the above.	Suits for rent other than of land.	Recovery of personal property, or the value thereof.	For injuries to the person.	For injuries to property.	For defamation.	For other injuries not included in above.	Suits to compel specific performance of contract.	Suits to set aside contracts and obligations on account of fraud, mistake, or accident.	Suits to compel or prevent particular acts by way of *mandamus* or injunction.
Small Cause Courts ...	542	6,419	4,825	4,990	237	2,908	1,190	967	595	...	55	...	31	...	...	...
Unpaid Local Tribunals (*Honorary Civil Judges.*)	656	3,757	2,428	2,560	35	105	21	44	823	1	43	15	22	5	...	2
Paid Sub-Divisional Tribunals (*Munsiffs*) ...	6,150	42,464	20,544	25,172	254	1,142	31	972	5,203	26	869	146	42	81	18	6
Ditto ditto (*Tahsildars and Naib Tahsildars*) ...	1,301	11,267	9,634	9,321	150	206	82	396	2,868	31	461	67	180	59	15	5
District Courts other than Chief Courts of Districts, (*Asst. and Extra Asst. Commissioners.*)	3,024	10,815	5,829	6,657	163	405	244	449	1,911	67	246	219	130	92	36	47
Chief Courts of Districts (*Judicial Assistants*)	342	1,040	345	431	15	40	40	16	52	3	20	35	13	1	3	...
Ditto ditto (*Deputy Commissioners.*)	27	29	17	22	2	...	2	5	2	...	1	...	3	1	...	2
Superior Court of General Jurisdiction (*Chief Court.*)	...	...	...	...	14	...	1	...	...	...	...	...	...	...	...	...
Total ...	12,042	75,791	43,622	49,153	870	4,806	1,611	2,845	11,454	128	1,195	482	421	239	72	62

No. 6.

COURTS.	38	39	40	41	42	43	44	45	46	47	48
	CLAIM TO RIGHT OF PRE-EMPTION.			SUITS FOR PARTITION OF IMMOVABLE PROPERTY.				RENT SUITS, NOT BRING PUNJAB TENANCY			
	Land only.	Other property.	Suits regarding the relative right of superior landlord or holder of land (other than rent suits).	Land only.	Other property.	Suits regarding boundaries.	Suits for, or relating to, real property, not included in the foregoing.	Suits to recover arrears of rent from tenants without right of occupancy.	Suits to recover arrears of rent from tenants with right of occupancy.	Suits regarding illegal exaction, duress, trains, or demand.	Suits regarding accounts, &c., by or against agents, &c.
Small Cause Courts ...	...	...	...	...	...	...	...	...	...	...	...
Unpaid Local Tribunals (*Honorary Civil Judges.*)	9	9	46	49	14	12	144	43	9	5	1
Paid Sub-Divisional Tribunals. (*Munsiffs.*) ...	49	17	75	43	20	13	801	587	199	13	...
Ditto ditto (*Tahsildars and Naib Tahsildars.*) ...	256	53	557	195	69	120	3,058	2,038	836	42	4
District Courts other than Chief Courts of Districts (*Asst. and Extra Asst. Commissioners.*) ...	368	162	99	247	233	61	2,828	475	156	8	1
Chief Courts of District (*Judicial Assistants.*)	17	15	6	41	26	1	146	13	16	...	...
Ditto ditto (*Deputy Commissioners.*)	1	...	1	...	1	1	6	...	...	...	...
Superior Court of General Jurisdiction (*Chief Court.*)	...	...	...	...	...	...	...	...	...	...	...
Total ...	700	256	784	575	363	208	6,988	3,151	1,218	65	6

SUITS DISPOSED OF IN THE DISTRICTS OF THE PUNJAB DURING THE 1876.

18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37
			Suits relating to Marriage, Dower and Divorce.							Claims to Inheritance.								Suits relating to Mortgage of Immovable Property.	
										Under Muhammadan Law.		*Under Hindu Law.*		*Under any other Law.*					
Suits to settle partnership and other accounts.	Suits connected with religion and caste.	Suits relating to administration of trusts and religious endowments.	Suits connected with betrothal.	Suits for custody of wives.	Other suits.	Suits to establish or dispute adoption.	Suits regarding custody and guardianship of infants and lunatics.	Other suits to establish or declare personal rights.	Suits to establish or contest wills.	Land only.	Other property.	Land only.	Other property.	Land only.	Other property.	Suits to establish or contest acts of Hindu widows.	Suits relating to the revenue.	Land only.	Other property.
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
6	2	2	112	14	15	2	...	3	...	3	14	11	3	46	22	...	383	110	39
155	2	17	336	26	43	1	3	15	1	67	57	96	132	245	169	6	1,439	195	154
35	1	2	159	14	24	9	2	101	8	228	37	121	30	624	206	...	3,084	652	251
188	4	21	722	1,334	208	30	15	210	10	235	46	246	60	972	275	13	1,670	906	432
27	...	1	72	156	12	5	1	6	...	10	13	2	13	50	2	...	77	75	47
4	...	...	2	17	3	...	5	6	...	...	1	2	...	...	...	...	...	4	3
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
415	9	44	1,403	1,561	305	47	26	341	19	540	168	479	238	1,937	674	19	6,653	1,942	926

Concluded.

49	50	51	52	53	54	55	56	57	58	59	60	61	62
Suits under the Act.		Suits under the Punjab Tenancy Act.											
Suits to resume or assess land held exempt from revenue or rent.	Suits not included in columns 45 to 49, not being suits under the Punjab Tenancy Act.	Suits under Section 5 by tenants for right of occupancy.	Suits to establish right of occupancy under Section 6, on other grounds than those mentioned in the previous Sections of the Act.	Suits under Section 6, by landlord, for rebuttal of presumptive right of occupancy.	Suits under Sections 10 and 11 for enhancement of rent.	Suits under Section 14 for abatement of rent.	Suits for arrears of rent where remission is allowed under Section 15.	Suits under Section 18 to set aside award of division and appraisement of produce taken for rent.	Suits under Section 19 by landlords for ejectment of tenants with right of occupancy (sec. 19, clause 1.)	Suits under Section 19 by landlords for ejectment of tenants with right of occupancy (sec. 19, clause 2.)	Suits under Section 20 by landlords for ejectment of tenants without right of occupancy.	Suits under Section 25 by tenants to contest notice of ejectment.	Suits under Section 26 by tenants on account of illegal ejectment.
...	...	...	...	...	...	...	...	...	...	...	...	...	...
2	5	7	3	15	5	...	...	...	2	...	31	...	1
...	20	28	26	8	36	1	...	...	5	...	88	20	32
44	263	276	34	80	64	27	1	1	49	25	89	275	93
...	70	192	148	46	128	8	...	...	37	17	132	170	61
...	...	7	...	6	20	...	...	...	...	8	...	...	...
...	1	1	...	1	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	...	...	...
47	359	511	201	106	253	36	1	1	93	50	340	465	187

IMPERIAL RETURN.

No. 7.

STATEMENT SHOWING THE VALUE OF SUITS DISPOSED OF IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1876.

1	2		3		4		5		6		7		8		9	10	
	Number of Suits Disposed of in Different Courts.																
VALUE OF SUITS.	Small Cause Courts.		Unpaid Local Tribunals (*Honorary Civil Judges.*)		Paid Sub-Divisional Tribunals (*Munsiffs.*)		Paid Sub-divisional Tribunals (*Tahsildárs and Naib-Tahsildárs.*)		District Courts (other than Chief Courts of Districts.) (*Assistant and Extra Assistant Commissioners.*)		Chief Courts of Districts (*Judicial Assistants.*)		Chief Courts of Districts (*Deputy Commissioners.*)		Chief Court of Province.	Total value of suits.	
	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.		Land.	Other.
Not exceeding Rs. 5	...	4,852	165	1,487	539	13,902	2,710	7,341	1,380	2,906	74	264	4	6	...	15,872	1,14,717
Do. ... 20	...	9,404	279	4,693	935	41,150	3,567	16,802	2,288	9,124	126	447	3	17	...	89,948	10,40,242
Do. ... 100	...	6,920	208	4,239	952	41,121	2,590	14,312	2,717	14,411	128	930	5	13	1	3,08,847	36,10,337
Do. ... 500	...	1,583	64	543	222	8,820	473	2,122	994	6,128	82	750	9	23	5	3,72,935	37,99,741
Do. ... 1,000	...	...	2	9	...	...	...	...	125	983	8	140	4	26	5	91,273	7,97,846
Do. ... 5,000	...	...	...	1	...	...	...	...	39	382	7	86	3	22	2	86,325	8,95,891
Do. ... 10,000	...	...	...	...	...	...	...	...	...	24	...	15	3	...	2	21,795	2,60,678
Do. ... 1,00,000	...	...	...	...	...	...	...	...	...	1	...	12	1	5	...	18,290	5,68,078
Exceeding... 1,00,000	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	2,00,050	...
Suits of which the value cannot be fixed	...	...	2	18	2	62	177	110	422	1,719	22	200	1	25	...	...	...
TOTAL	...	22,759	720	10,990	2,650	1,05,055	9,517	40,687	7,965	35,678	448	2,844	33	137	15	12,05,335	1,10,87,530

IMPERIAL RETURN. No. 8.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL SUITS IN THE COURTS OF ORIGINAL JURISDICTION IN THE PUNJAB DURING THE YEAR 1876.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Class of Courts.	Number of Cases on the File.				Disposed of without Decree				Decree passed.												Average duration of suits.	
									Without contest.				With contest.									
	Suits remaining from last year.	Filed in 1876.	Received by transfer.	Total for disposal.	Transferred.	Dismissed for default.	Withdrawn with leave.	Adjusted by mutual agreement.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	Judgment for plaintiff in whole or part.	Judgment for defendant.	Referred to arbitration.	Total disposed of.	Pending.	Over two months.	Over four months.	Plaints rejected or returned.	Contested.	Uncontested.
Small Cause Courts ...	714	22,536	488	23,738	1	3,119	240	2,404	2,928	3,997	2,958	87	5,764	1,744	195	23,242	496	3	...	348	12	10
Unpaid Local Tribunals (*Honorary Civil Judges.*) ...	398	11,706	501	12,605	1	2,325	86	912	1,304	2,843	922	35	2,926	847	246	12,201	404	14	4	58	24	20
Paid Sub-Divisional Tribunals. (*Munsifs.*) ...	4,814	1,08,374	3,172	1,16,360	13	18,678	1,190	13,692	12,621	21,623	7,749	572	26,553	8,240	1,401	1,10,931	5,429	70	2	2,051	21	16
Ditto Ditto (*Tahsildars & Nai Tahsildars.*) ...	2,350	49,993	1,740	54,083	8	8,803	853	6,428	4,459	9,452	3,098	256	13,360	5,091	1,056	51,808	2,275	38	74	749	25	17
District Courts other than Chief Courts of Districts (*Assistant and Extra Assistant Commissioners.*) ...	3,450	43,593	2,049	49,092	12	7,909	704	3,668	2,909	6,206	3,284	374	13,432	6,971	1,081	45,469	3,623	431	116	1,484	33	23
Chief Courts of Districts (*Judicial Assistants.*) ...	171	3,402	132	3,705	1	465	72	215	166	632	182	36	1,155	487	138	3,411	294	29	18	108	44	24
Ditto Ditto (*Deputy Commissioners.*) ...	13	176	2	191	2	26	3	12	4	22	15	...	62	28	3	174	17	19	9	33	46	30
Superior Court of General Jurisdiction (*Chief Court.*) ...	1	16	...	17	...	1	1	...	...	1	...	...	11	1	...	15	2	...	...	...	39	85
Total ...	11,911	2,39,796	8,084	2,59,791	38	41,326	3,149	27,331	24,391	44,776	18,208	1,360	63,263	23,409	4,120	2,47,251	12,540	604	223	4,831	30	28

Cases re-admitted under Section 119, Act VIII of 1859 have been included in column 4.
Cases referred to arbitration (Column 16) have been included in columns 14, 15 and 17.

IMPERIAL RETURN.

No. 9.

STATEMENT SHOWING THE BUSINESS OF THE CIVIL APPELLATE COURTS OF THE PUNJAB DURING THE YEAR 1876.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
	For Disposal.						Heard ex-parte.				Contested.											
							Confirmed.															
Class of Courts.	Pending from last year.	Instituted.	Received by transfer.	Total.	Transferred.	Dismissed for default or under Secs. 5 or 6, Act XXIII of 1871.	Decided *ex-parte* without appearance of Respondent.	Rejected under Sec. 7, Act IX of 1873.	Modified.	Reversed.	Confirmed.	Modified.	Reversed.	Remanded.	Total disposed of.	Pending at the end of the year.	Over two months.	Over four months.	Average duration.	Objections under Section 348, Act VIII of 1859.	Objections allowed.	Remarks.
Appellate Courts other than Chief Courts of Districts (*Assistant Commissioners.*)	...	18	...	18	...	1	...	...	...	...	14	2	...	...	17	1	...	...	11	...	...	
Chief appellate Courts of Districts, other than Deputy Commissioners (*Judicial Assistants.*)	336	5,887	128	6,351	...	379	260	1,115	15	21	2,088	422	803	656	5,759	540	120	51	28	7	...	
Chief appellate Courts of Districts (*Deputy Commissioners.*)	161	2,613	23	2,797	...	167	42	577	12	14	1,056	192	366	173	2,599	250	61	8	33	3	...	
Total ...	497	8,518	151	9,166	...	547	302	1,692	27	35	3,158	616	1,169	829	8,375	791	181	59	28	10	...	
Superior Appellate Courts (*Commissioners*)	695	3,310	22	4,027	1	165	93	421	3	9	1,451	160	600	270	3,173	490	138	76	63	3	2	364 appeals made over to the Additional Commr.
Superior Appellate Courts (*Addl. Commrs.*)	706	2,167	9	2,882	2	161	117	222	7	5	1,320	238	445	178	2,695	551	92	110	98	8	2	
Total ...	1,401	5,477	31	6,909	3	326	210	643	10	14	2,771	398	1,045	448	5,868	1,041	230	186	79	11	4	
Chief Court of the Province... Regular	160	686	3	849	3	46	...	141	...	...	261	20	151	45	667	182	115	17	77	3	...	
Chief Court of the Province... Special	205	1,294	...	1,499	4	106	...	624	...	...	306	24	66	162	1,292	207	122	4	54	2	...	
Total ...	365	1,980	3	2,348	7	152	...	765	...	...	567	44	217	207	1,959	389	237	21	62	5	...	
Grand Total ...	2,263	15,975	185	18,423	10	1,025	512	3,100	37	49	6,496	1,058	2,431	1,484	16,202	2,221	648	266	56	26	4	

IMPERIAL RETURN.

No. 10.

STATEMENT SHOWING THE EXECUTION OF THE DECREES OF THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1876.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Class of Courts.	Applications to Execute Decrees.											Nature and number of coercive processes issued.					
													Movable property.		Immovable property.		
	Pending.	Filed.	Received by transfer.	Total.	Decrees completely executed.	Decrees partially executed.	Decrees in which there was no execution.	Transferred.	Total disposed of.	Pending.	Number of cases in which specific performance was enforced.	Arrest of person.	Attached.	Sold.	Attached.	Sold.	Orders under Section 243 of Act VIII of 1869.
Small Cause Courts	715	17,857	1,579	20,151	4,176	6,475	7,577	1,380	19,617	534	35	2,915	7,821	1,210	5	21	87
Unpaid Local Tribunals (*Honorary Civil Judges*) ...	668	5,039	120	5,827	2,084	1,344	1,693	...	5,121	706	37	91	2,873	711	466	125	...
Paid Sub-divisional Tribunals (*Munsiffs*)	3,633	42,261	1,910	* 47,804	15,215	12,181	14,668	75	42,139	5,720	35	1,305	28,895	6,233	2,325	503	33
Paid Sub-divisional Tribunals (*Tahsildars & N.-Tahsildars*)	4,253	32,050	1,484	† 37,787	14,242	9,360	11,127	107	34,836	2,896	280	1,243	18,324	3,524	1,265	262	109
District Courts other than Chief Courts of Districts (*Assistant and Extra Assistant Commissioners*) ...	4,866	32,762	1,817	‡ 39,445	11,613	8,522	13,977	349	34,461	4,852	444	1,302	17,873	4,670	3,142	714	257
Chief Courts of Districts other than Deputy Commissioners (*Judicial Assistants*)	133	1,893	136	2,162	729	422	754	2	1,907	255	18	122	833	149	98	28	9
Chief Courts of Districts (*Deputy Commissioners*) ...	15	172	11	§ 198	55	39	82	6	182	148	2	7	52	12	11	8	...
Total ...	14,283	1,32,034	7,057	1,53,374	48,114	38,343	49,878	1,928	1,38,263	15,111	851	6,985	76,671	16,509	7,312	1,661	495

* 55 Cases were received from Tahsil Courts.
† 55 Cases were transferrd to Munsiffs Courts.
‡ 132 Cases were transfered to Deputy Commissioners' Courts.
§ 132 Cases were received from E. A. Commissioners' Courts.

Proceedings of the Honorable the Lieutenant-Governor, Punjab, in the Home Department,—No. 3461, dated 3rd September 1877.

READ—

Annual Report on Civil Justice for the year 1876, furnished by the Registrar of the Chief Court, dated 4th June, (received in printed form on the 3rd July)

REMARKS.—The number of original suits instituted in the Civil Courts in the Punjab shows, for the year under report, an increase of about 4 per cent., the figures for the past six years being as follows :—

	No. of institutions.
1871	... 218,934
1872	217,972
1873	221,364
1874	230,649
1875	230,607
1876	239,796

2. The increase has been in the District Courts and in the Cantonment Small Cause Courts, and probably represents what may be considered to be the natural and normal increase of litigation when the increase of wealth and population is taken into account. It is attributed to various causes in the several districts; but the statistics contain nothing so abnormal as to require any special explanation.

3. The statistics showing the number of suits disposed of, and the percentage of cases pending at the close of the year, 4·9 per cent., appear to the Lieutenant-Governor to be satisfactory.

4. With reference to the remark of the Chief Court as to the unpopularity of settlement by arbitration owing to the finality of the arbitrators' award, the Lieutenant-Governor would observe that when a case comes into Court it is beyond the stage at which the parties are ordinarily willing to submit to arbitration.

5. The exceedingly sickly autumn of 1876 may no doubt have had a considerable effect in raising the average duration of contested cases; although in some districts this is not sufficient to satisfactorily account for the very high average.

6. Suits for the partition of immovable property have increased over the figures of the past two years, and these appear to be a class of cases which have a constant tendency to increase with advancing civilization and the decay of the village community system.

7. Suits under the Punjab Tenancy Act show a large decrease, especially those to establish or contest rights of occupancy, or suits connected with rent. The decrease is attributed to different and opposite causes in several districts; but the number of suits appears to the Lieutenant-Governor to be too small to enable any conclusion to be drawn from them.

8. The returns showing the agency for the disposal of suits enable some judgment to be passed on the results of the re-organization of the judicial service in the Punjab; and on the whole the Lieutenant-Governor considers that they are satisfactory. The average number of cases decided by Tahsildárs in 1874 was 589, and this has been reduced in the past year to 310, which, considering that 360 cases per annum were fixed by the Judges with the approval of Government, to be the maximum number of civil cases which should be decided by Tahsildars during the year, must be considered a satisfactory result.

9. The relief afforded by the appointment of Munsiffs, who, on an average, have decided 1,496 cases during the year, and 44·8 per cent. of the whole civil litigation of the Province, is substantial; though the Lieutenant-Governor is

disposed to think that the number of suits decided by Assistant Commissioners, an average of 163, is too small. The statements showing the results of the work of the appellate Courts for the year show the effect of the judicial re-organization in the relief afforded to District Officers by the appointment of Judicial Assistants. These last have disposed of 69 per cent. of the civil appeals in the District Courts. The statistics of the amount of work performed by them show such large variations that the attention of the Judges of the Chief Court might, with advantage, be directed to the best method of ensuring Judicial Assistants having a uniform and sufficient quantity of civil work. The best method of ensuring this, and especially of relieving Commissioners, who in the Umballa and Lahore divisions are overburdened with civil appeals, seems to the Lieutenant-Governor to be by investing Assistant and Extra Assistant Commissioners with special or full powers, after full consideration of the circumstances of each district and division, and noting whether the Judicial Assistant or the Commissioner was overburdened with civil appeals. The effect of the investment of Assistant Commissioners with no more than special powers will be to allow the appeal to lie from their decision to the Judicial Assistant and not to the Commissioner. This will in no appreciable degree interfere with the amount of his work, seeing that by the statement furnished at page 12 of the report, the immense majority of appealable suits is under Rs. 500 in value, and the only effect would be to relieve the Commissione of appellate work, which he is unable to perform with justice to his general administrative duties. On this point a special reference has been made to the Judges for opinion.

10. With regard to the execution of decrees the Lieutenant-Governor observes that the result as to realization is not so favourable as last year, and, although it is explained that in the case of decrees put into execution more than once during the year, the unrealized balance is re-entered on each occasion as a fresh amount for realization, whereas the amounts realized during the year appear only once in the column of realizations, yet the statement in its present form seems very imperfect, and no accurate deduction can be made from it. The statistics of the working of the Small Cause Courts during the year seem to strengthen a proposal which has lately been made by the Judges of the Chief Court for abolishing Small Cause Court jurisdiction at Ludhiana, Jullundur, Hoshiarpur and Peshawar, where the number of cases is so small as to make it unnecessary to maintain a special procedure and establishment. This question is now under the consideration of the Lieutenant-Governor, and a further argument in favour of the abolition of the Small Cause Court jurisdiction proposed by the Judges is that a clause in the Punjab Courts Bill, now before the Legislative Council, provides that in Small Cause Court cases under Rs. 50 in value, no second appeal shall lie. Giving to such cases a finality of decision after one appeal, will do away with a strong argument for the maintenance of the special procedure of the Small Cause Courts in rural districts. The Lieutenant-Governor notes with satisfaction that the long-standing arrears of the Commissioner's Court at Amritsar have been disposed of. With regard to the work in the Chief Court the Lieutenant-Governor observes the steady increase in the number of appeals, and the necessity for some increase to the establishment has been admitted by his Honor, and is now under consideration.

11. The Lieutenant-Governor is very pleased to note that the subject of the adjournment of cases is receiving the attention which both the Government and the Judges have so often sought to obtain for it, and that commissions have during the year been issued with greater discretion than has formerly been the case.

12. The report now submitted is exceedingly clear and complete, and the Lieutenant-Governor would desire to convey to the Judges of the Chief Court his acknowledgments for the careful and efficient manner in which, during the past year, they have presided over the administration of civil justice in the Courts of the Punjab.

ORDER.—Ordered that a copy of the foregoing remarks be furnished to the Registrar, Chief Court, for the information of the Judges and for circulation with the report.

Also, that the remarks be published in the *Punjab Government Gazette.*

By order of the Hon'ble the Lieutenant-Governor,

LEPEL GRIFFIN,

Officiating Secretary to Government, Punjab.

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